

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-15-05

Rule Type: Amendment

Rule Title/Tagline: Application for certificate of public convenience and necessity.

Agency Name: Public Utilities Commission of Ohio

Division: Utilities

Address: 180 East Broad Street Columbus OH 43215-3793

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/7/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** R.C. 4905.04
5. **What statute(s) does the rule implement or amplify?** R.C. 4905.06, R.C. 4933.25
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

R.C. 121.951(A)(1) rules reduction and Five-year review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes the procedural process for applications or certificates of public convenience and necessity, including notice and public hearing requirements.

Several amendments to these proposed rules are made pursuant to Ohio Revised Code 121.951(A)(1) that requires state agencies to reduce their total number of regulatory restrictions. In addition, other amendments to these proposed rules are pursuant to the Commission's obligation to conduct a five-year review of its administrative rules under R.C. 111.15(B) and R.C. 106.03(A).

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Incorporates references to other rules within this Chapter and the Ohio Adm.Code, which is readily available online.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

n/a

n/a

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

n/a

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

n/a

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Yes, this rule imposes prior authorization requirements.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 55

4901:1-15-05(A): Removed regulatory restriction requiring exhibits required by part (D) of the rule to be attached to each application.

4901:1-15-05(A): Removed regulatory restriction requiring exhibits required by part (D) of the rule to be made a part of each application.

4901:1-15-05(B): Removed regulatory restriction requiring maps to be of such size that they can be folded to match other documents presented.

4901:1-15-05(B): Removed regulatory restriction requiring plans to be of such size that they can be folded to match other documents presented.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit one in section (D)(1) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit two in section (D)(2) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit three in section (D)(3) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit three A in section (D)(3) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit three B in section (D)(3) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit three B in section (D)(3) to be filed with each application.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit four in section (D)(4) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit four A in section (D)(4) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit five in section (D)(5) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit six in section (D)(6) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit seven in section (D)(7) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit eight in section (D)(8) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit nine in section (D)(9) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit ten in section (D)(10) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 11 in section (D)(11) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 12 in section (D)(12) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 13 in section (D)(13) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 14 in section (D)(14) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 15 in section (D)(15) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 16 in section (D)(16) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 17 in section (D)(17) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 18 in section (D)(18) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 19 in section (D)(19) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 20 in section (D)(20) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 21 in section (D)(22) to be presented as evidence in the hearing.

4901:1-15-05(D): Removed regulatory restriction requiring exhibit 22 in section (D)(23) to be presented as evidence in the hearing.

4901:1-15-05(D)(3): Removed regulatory restriction requiring the applicant to tender at a hearing a financial statement showing in detail applicant's assets.

4901:1-15-05(D)(3): Removed regulatory restriction requiring the applicant to tender at a hearing a financial statement showing in detail applicant's liabilities.

4901:1-15-05(D)(3): Removed regulatory restriction requiring the applicant to tender at a hearing a financial statement showing in detail applicant's net worth.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document to be considered by the Commission in its determination of the applicant's ability to operate the proposed waterworks system at rates and charges that produce a fair and reasonable rate of return.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document to be considered by the Commission in its determination of the applicant's ability to operate the proposed sewage disposal system at rates and charges that produce a fair and reasonable rate of return.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document to bear no issued dates.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document to bear no effective dates.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document's form to be subject to Commission approval.

4901:1-15-05(D)(5): Removed regulatory restriction requiring the tariff document's content to be subject to Commission approval.

4901:1-15-05(D)(6): Removed regulatory restriction that the scale shall bear a title block.

4901:1-15-05(D)(7)(a): Removed regulatory restriction that the description shall compare demand estimates.

4901:1-15-05(D)(7)(b): Removed regulatory restriction requiring the noted description to include the type of material from which the pipe is to be fabricated.

4901:1-15-05(D)(7)(b): Removed regulatory restriction requiring the noted description to include the type or types of joints to be used.

4901:1-15-05(D)(10): Removed regulatory restriction requiring a waterworks company to provide facilities for flushing in the event of a dead end in the distribution mains.

4901:1-15-05(D)(12)(b): Removed regulatory restriction requiring the applicant to present the cost of feasible alternatives to proposed waterworks system upon Commission request.

4901:1-15-05(D)(12)(b): Removed regulatory restriction requiring the applicant to present the cost of feasible alternatives to proposed sewage disposal system upon Commission request.

4901:1-15-05(D)(12)(b): Removed regulatory restriction requiring the applicant to present the reason for selection regarding a proposed waterworks system upon Commission request.

4901:1-15-05(D)(12)(b): Removed regulatory restriction requiring the applicant to present the reason for selection regarding a proposed sewage disposal system upon Commission request.

4901:1-15-05(D)(21): Removed a regulatory restriction requiring the prescribed notice to set forth the rates proposed to be charged.

4901:1-15-05(D)(21): Removed a regulatory restriction requiring the prescribed notice to set forth the rates proposed to be collected.

4901:1-15-05(D)(21): Removed a regulatory restriction requiring the prescribed notice to describe the specific area to be served by the applicant under the certificate being applied for.

4901:1-15-05(D)(21): Removed a regulatory restriction requiring the prescribed notice to be in sufficient detail to enable a member of the public to locate the service areas.

4901:1-15-05(D)(21): Removed a regulatory restriction requiring the prescribed notice to be in sufficient detail to enable a member of the public to determine the service area boundaries.

4901:1-15-05(A) Removed regulatory restriction requiring exhibits as described in this rule to be attached/made part of the application

4901:1-15-05(A) Removed regulatory restriction requiring exhibits as enumerated in this rule to be attached/made part of the application

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable