

Rule Summary and Fiscal Analysis (Part A)**Public Utilities Commission of Ohio**

Agency Name

Utilities

Division

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4901:1-15-10

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Construction, maintenance of plant and equipment, and interruption notification for planned outages and flushings.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **111.15**

4. Statute(s) authorizing agency to adopt the rule: **4905.04**

5. Statute(s) the rule, as filed, amplifies or implements: **4905.06**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five-year review as required by Section 119.032 of the Revised Code.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Adds language specifying that a waterworks or sewage disposal company must notify the Commission, at least three days in advance, of specific planned outages, and of major operational events.

Establishes other procedures for maintenance and planned outages and flushings.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Fourth sentence under (A): deleted the word "OEPA". Added the following new language for clarity: "Ohio Environmental Protection Agency"

Fifth sentence under (A): deleted the word "commission". Added the following new language for clarity: "manner prescribed by the director of the service monitoring and enforcement department or the director's designee".

12. 119.032 Rule Review Date: **8/3/2012**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no costs of compliance associated with this filing.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

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? **Yes**

This rule requires that a waterworks and/or sewage disposal company notify the Commission in writing before making improvements or additions to the water distribution or sewage disposal system which alter the system's capacity by one percent or more. New language, amended into the rule, requires that written notice be given to the Commission, at least three days in advance, of (1) planned outages affecting one hundred customers or ten percent of the system's customers, whichever is smaller and is expected to last over four hours; (2) a major operational event (defined as "a significant change to a system's normal operations"); or (3) planned/routine annual/semiannual flushings.