

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-16-05

Rule Type: New

Rule Title/Tagline: Notice and reports of service failures and incidents; twenty-four hour contacts; and post-incident testing.

Agency Name: Public Utilities Commission of Ohio

Division: Utilities

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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?** 4905.91
5. **What statute(s) does the rule implement or amplify?** 4905.91, 4905.911, 4905.93, 4905.94
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?**

This is being proposed for review where R.C. 121.951(A)(1) requires state agencies to reduce their total number of regulatory restrictions.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets out standards concerning notice and reports of service failures and incidents, twenty-four hour contact reports to be submitted not later than March 15 of each year, and testing conducted following a safety incident involving a pipeline.

- 9. Does the rule incorporate material by reference? No**
- 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.**

Not Applicable

- 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.

Not applicable.

Not applicable.

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

Not applicable.

- 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.

Not applicable.

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? No

- 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? 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? 17

4901:1-16-05(A)(1) added a restriction requiring operators to notify the State within an hour of discovery of an incident.

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4901:1-16-05(A)(2) added a restriction requiring operators to notify the State of all service failures within one hour after discovery.

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4901:1-16-05(B)(1) added a restriction concerning written incident reports to be submitted to the Chief and the U.S. DOT.

4901:1-16-05(B)(2) added a restriction requiring operators to submit a final written report within sixty days after the incident.

4901:1-16-05(B)(2)(a) added a restriction requiring operators to submit final written report within sixty days unless good cause shows more time is needed.

4901:1-16-05(B)(2)(b) added a restriction requiring operators to submit final written report within sixty days unless the operator submits interim reports at intervals.

4901:1-16-05(C) added a restriction requiring operators to submit 24 hour contact reports.

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4901:1-16-05(C) added a restriction requiring operators to submit 24 hour contact reports.

4901:1-16-05(C) added a restriction requiring operators to notify the Chief of any change in a report's contact information.

4901:1-16-05(D) added a restriction requiring testing of any intrastate gas pipeline facility involved in an incident.

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- B. How many existing regulatory restrictions do you propose removing from this rule? 0**

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
Rule 4901:1-16-05 rescinded.

- D. Please justify the adoption of the new regulatory restriction(s).**
The additions are restrictions that remain in the amended rule; however, as there was more than 50% change in language, the ERF filing requirement to rescind/new was enacted.