

4901:1-43-03

**Project information and approval process.**

- (A) Pursuant to division (A) of section 4929.163 of the Revised Code, a natural gas company may file, prior to beginning construction, for approval of an economic development project through an economic development project notice with the commission's docketing division. This notice shall contain the following information:
- (1) The name and location of the project.
  - (2) A background of the subject company of the economic development project.
  - (3) The level of total investment and capital expenditure by the subject company and the economic development impact. This description shall contain the following information:
    - (a) Estimated state and local taxable base increase.
    - (b) Anticipated number of new jobs created and jobs retained by the project.
    - (c) Description of the community served and the benefits to that community.
  - (4) To the maximum extent practicable, a description of other potential locations that may compete with the proposed location, including the type, location, and time frame of potentially competing projects.
  - (5) The level of infrastructure investment anticipated by the natural gas company. This description shall contain the following information:
    - (a) A description of how the infrastructure development costs are projected to generate a return less than the most recently authorized rate of return.
    - (b) A description of how the utility will not exceed the ~~two dollar~~ one dollar and fifty cents recovery cap on ~~an annual~~ a monthly basis from any single customer in this state.
  - (6) The support for the project by an economic development entity or chamber of commerce.
- (B) Following its review of the information set forth in paragraph (A) of this rule, and any other information consistent with section 4929.163 of the Revised Code, the commission may approve a project if ~~both of the following apply:~~ the infrastructure development costs for the project are projected to generate a return on the company's investment that is less than the most recently authorized rate of return.

- ~~(1) The infrastructure development costs for the project are projected to generate a return on the company's investment that is less than the most recently authorized rate of return.~~
  - ~~(2) The amount of infrastructure development costs to be incurred by the company per calendar year, for the project and all other projects previously approved under this section, is not projected to exceed the product of two dollars multiplied by the aggregate number of the company's customers in this state.~~
- (C) A notice filed pursuant to division (A) of section 4929.163 of the Revised Code shall be deemed automatically approved on the thirtieth day after the date of the notice filing unless the notice filing is suspended by the commission for good cause shown. If the notice filing is suspended, the commission shall approve, deny, modify, or hold a hearing on the notice filing not later than forty-five days after the date that the suspension begins.
- ~~(D) Pursuant to division (A) of section 4929.164 of the Revised Code, a natural gas company may file with the commission's docketing division a certified site project notice for approval of an economic development project that has been certified by or submitted to the director of development services under the SiteOhio certification program. This notice shall contain the following:~~
- ~~(1) The name and location of the project site.~~
  - ~~(2) A description and background of the site along with the anticipated impact to the community.~~
  - ~~(3) The level of infrastructure investment anticipated by the natural gas company. This description shall contain the following information:
    - ~~(a) A description of how the infrastructure development costs are projected to generate a return less than the most recently authorized rate of return.~~
    - ~~(b) A description of how the utility will not exceed the one dollar cap on an annual basis.~~~~
  - ~~(4) A copy of any SiteOhio applications, approvals, or any other relevant materials.~~
- ~~(E) Following its review of the information set forth in paragraph (D) of this rule, and any other information consistent with section 4929.164 of the Revised Code, the commission may approve a project if both of the following apply:~~

- ~~(1) The infrastructure development costs for the project are projected to generate a return on the company's investment that is less than the most recently authorized rate of return.~~
- ~~(2) The amount of infrastructure development costs to be incurred by the company per calendar year, for the project and all other projects previously approved under this section, is not projected to exceed the product of one dollar multiplied by the aggregate number of the company's customers in this state.~~
- ~~(F) A notice filed pursuant to division (A) of section 4929.164 of the Revised Code shall be deemed automatically approved on the ninetieth day after the date of the notice filing unless the notice filing is suspended by the commission for good cause shown. If the notice filing is suspended, the commission shall approve, deny, modify, or hold a hearing on the notice filing not later than forty-five days after the date that the suspension begins.~~

Effective: 1/7/2019

Five Year Review (FYR) Dates: 9/19/2021

CERTIFIED ELECTRONICALLY

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Certification

12/26/2018

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Date

Promulgated Under: 111.15  
Statutory Authority: 4929.163, 4929.10  
Rule Amplifies: 4929.16, 4929.161, 4929.162, 4929.163, 4929.165,  
4929.166, 4929.167  
Prior Effective Dates: 09/29/2016