

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-43-03

Rule Type: Amendment

Rule Title/Tagline: Project information and approval process.

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?** 11/22/2026
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?** 4929.163, 4929.10
5. **What statute(s) does the rule implement or amplify?** 4929.16, 4929.161, 4929.162, 4929.163, 4929.165, 4929.166, 4929.167
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?**

The rule is being proposed to account for the rule reduction required by R.C. 121.951(A)(1).
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the process for a natural gas company seeking approval of an economic development project. The rule is being amended to reduce the number of regulatory restrictions.

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.

n/a

n/a

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

The rule impacts the identified business community in terms of employer time and cost of regulatory compliance. The proposed revision reduces the employer time and cost by eliminating a filing requirement.

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? 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

Yes. The rule impacts the identified business community in terms of employer time and cost of regulatory compliance. The proposed revisions reduces the employer time and cost by reducing regulatory restrictions. The Commission does not anticipate any other adverse impact stemming from this rule. In fact, the legislative intent of R.C. 4928.16 et seq. was to promote economic development projects within the state of Ohio.

- 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? 19

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the name of the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the location of the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the company background for the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the level of total investment for the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the level of capital expenditure for the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the anticipated number of new jobs created by the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the anticipated number of jobs retained by the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the description of the community served by the project; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain a description of the community benefits; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain a description of other potential locations that may compete with the proposed location; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the type of other potential locations that may compete with the proposed location; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the location of other potential locations that may compete with the proposed location; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the time frame of potentially competing projects; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain the level of infrastructure investment anticipated by the natural gas company.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain a description of how the infrastructure development costs are projected to generate a return less than the most recently authorized rate of return; instead, lists this as an example of information the Commission may deem relevant.

4901:1-43-03(A)— Removes the requirement that an economic development project notice must contain a description of how the utility will not exceed the \$1.50 recovery cap on a monthly basis from any single customer in Ohio.

4901:1-43-03(A) - Removes the requirement that an economic development project notice must contain the support for the project by an economic development entity or chamber of commerce.

4901:1-43-03(C)— Removes the requirement that an economic development project notice must be deemed automatically approved on the thirtieth day

unless suspended; instead, states that it is deemed automatically approved unless suspended.

4901:1-43-03(C)— Removes the requirement that if an economic development project notice is suspended, the Commission must act within 45 days; instead, states that the Commission will act during this time.

- 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