

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

Agency Name

**Utilities****Angela Hawkins**

Division

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**4901:1-6-09**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Eligible telecommunications carriers.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **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: **4927.03, 4901.13**5. Statute(s) the rule, as filed, amplifies or implements: **4927.13**

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

Five-year review.

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:

This rule identifies eligible telecommunications carriers (ETCs) and designation of competitive eligible telecommunication carriers (CETCs) consistent with public interest, convenience, and necessity. This rule was amended to reflect a change in the month a report is filed.

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:

The rule is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the Code of Federal Regulations and the United States Code references found in this rule are generally available in public libraries, can be viewed electronically online at <http://www.gpo.gov/fdsys/>, and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."

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:

The rule is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the Code of Federal Regulations and the United States Code references found in this rule are generally available in public libraries, can be viewed electronically online at <http://www.gpo.gov/fdsys/>, and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."

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:

No changes were made to the body of the rule. The revised filing merely modifies the agency's responses to RSFA questions 19A and 19B.

12. Five Year Review (FYR) Date: **3/2/2018**

(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? **Yes**

This rule requires any telephone company desiring to be designated as a CETC to file the requisite application.

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? **Yes**

This rule provides that the Commission may revoke a designation upon a specific demonstration.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The rule requires the report of information on an annual basis.