

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

Agency Name

Utilities

Division

Paul J Duffy

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4901:1-6-24

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Telecommunication relay services assessment procedures.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB562**General Assembly: **127**Sponsor: **Rep. Hottinger**

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: **4901.13, 4905.84**

5. Statute(s) the rule, as filed, amplifies or implements: **4901.13, 4927.03, 4905.84**

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

This rule is being proposed in accordance with recently enacted Section 4905.84, Revised Code. This statute provides that the Commission shall, not earlier than January 1, 2009, impose on and collect from each telecommunications service provider that is required under federal law to provide its customers access to telecommunications relay service (TRS) an annual assessment to pay for the costs incurred by the TRS provider for providing TRS in Ohio.

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:

Consistent with the statute, this rule: states that it is limited to the Commission's administration and enforcement of the assessment for the TRS in Ohio; defines which telecommunications service providers will be subject to the TRS assessment; establishes the method for using a competitively neutral formula to determine the assessment; states that the Commission will reconcile the funds collected annually; states that each provider that pays the assessment shall be permitted to recover the costs of the assessment; and states that the Commission shall take measures to protect the confidentiality of the information submitted by the providers.

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:

Not Applicable.

12. 119.032 Rule Review Date:

(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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This rule will have no impact on the agency's revenues or expenditures. The assessment collected from the providers will be used to pay the entity that provides TRS in Ohio for the costs that it incurs. Any over/under collection of the assessment will be credited/charged to the providers that are responsible for paying the assessment.

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

Fund 5Q5

ALI 870626

Appropriation amount \$5,000,000

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:

It is estimated that the costs to provide TRS in Ohio will be \$5,000,000 annually. This estimate is based on a review of the costs incurred for the provision of TRS in Ohio from 2004 (\$5,605,041) to 2007 (\$3,657,326). The costs of the TRS will be divided between the service providers that are required under federal law to provide their customers access to TRS, and each provider will be assessed an amount proportionate to the number of voice-grade, end user access lines, or their

equivalent in Ohio.

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**