

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4901:1-7-26

**Rule Type:** Amendment

**Rule Title/Tagline:** Competition safeguards.

**Agency Name:** Public Utilities Commission of Ohio

**Division:** Utilities

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#### I. Rule Summary

1. **Is this a five year rule review? Yes**
  - A. **What is the rule's five year review date? 4/10/2023**
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? 4927.03**
5. **What statute(s) does the rule implement or amplify? 4901.13, 4927.04**
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?**

To satisfy the five year review requirement and to comply with the requirements of R.C. 121.95(A) for state agencies to reduce the total number of regulatory restrictions by 30 percent by June 30, 2025.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule addresses the handling of customer proprietary network information. The rule also addresses the manner in which telephone companies must make available customer list information. The rule is amended to remove regulatory restrictions and to add clarifying language to 4901:1-7-26(A)(1)(a), 4901:1-7-26(A)(1)(b), 4901:1-7-26(A)(1)(c), 4901:1-7-26(A)(2)(a), 4901:1-7-26(A)(2)(b), 4901:1-7-26(A)(3), and 4901:1-7-26(B).

9. **Does the rule incorporate material by reference? Yes**
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.**

Exemption exists due to incorporation by reference of either sections of the Ohio Revised Code, rules in the Ohio Administrative Code, regulation in the Code of Federal Regulations, or sections of the United States Code. References to the incorporated materials are readily available online.

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?**

n-a

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? 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? 1  
  
4901:1-7-26- Corrects a typographical error to include a regulatory restriction that should have been included in original inventory of restrictions contained in this rule.

**B. How many existing regulatory restrictions do you propose removing from this rule? 14**

4901:1-7-26(A)(1)(a) Removed an unnecessary regulatory restriction from the definition of "CPNI."

4901:1-7-26(A)(1)(b) Removed an unnecessary regulatory restriction from the definition of "subscriber list information."

4901:1-7-26(A)(1)(c) Removed an unnecessary regulatory restriction from the definition of "customer specific information."

4901:1-7-26(A)(2)(a) Removed an unnecessary regulatory restriction requiring that use of CPNI must comply with the specified U.S.C. section.

4901:1-7-26(A)(2)(a) Removed an unnecessary regulatory restriction requiring that use of CPNI must comply with the specified regulation of the C.F.R.

4901:1-7-26(A)(2)(b) Removed a regulatory restriction requiring that no LEC shall access or use the CPNI held by either an interconnecting LEC or an LEC reselling its services for the purpose of marketing its services to either the interconnecting LEC's customers or reselling LEC's customers.

4901:1-7-26(A)(2)(b) Removed a regulatory restriction requiring that no LEC shall access or use the CPNI held by either an interconnecting LEC or an LEC reselling its services for the purpose of marketing its services to either the interconnecting LEC's customers or reselling LEC's customers.

4901:1-7-26(A)(2)(b) Removed a regulatory restriction requiring that no LEC shall access or use the CPNI held by either an interconnecting LEC or an LEC reselling its services for the purpose of marketing its services to either the interconnecting LEC's customers or reselling LEC's customers.

4901:1-7-26(A)(2)(b) Removed a regulatory restriction requiring that no LEC shall access or use the CPNI held by either an interconnecting LEC or an LEC reselling its services for the purpose of marketing its services to either the interconnecting LEC's customers or reselling LEC's customers.

4901:1-7-26(A)(3) Removed a regulatory restriction requiring that to the extent that a telephone company makes subscriber list information available to affiliated competitors within its service territory for purposes other than the publishing of directories, it must, upon request, also do so on a

nondiscriminatory basis with all unaffiliated competitors certified to provide service in its service territory.

4901:1-7-26(A)(4) Removed a regulatory restriction requiring that all telephone companies shall maintain records consistent with FCC standards.

4901:1-7-26(B) Removed a regulatory restriction requiring each ILEC maintain its books, records, and accounts in accordance with the FCC's accounting requirements and as revised from time to time.

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- 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).**

Additions were added to correct a typographical error to include regulatory restrictions that should have been included in original inventory of restrictions contained in this rule. The original inventory should have reflected 14, but was reported as 13 restrictions existing in this rule.