

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-1-03

Rule Type: New

Rule Title/Tagline: Form of long-term forecast reports additional requirements.

Agency Name: Public Utilities Commission of Ohio

Division: Division of Forecasting

Address: 180 East Broad Street Columbus OH 43215-3793

Contact: Jeff Jones **Phone:** 614-466-0463

Email: Jeffrey.Jones@puco.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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?** R.C. 4935.04, 4901.13
5. **What statute(s) does the rule implement or amplify?** R.C. 4935.04
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?**

This rule is not a new proposal.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Adm.Code 4901:5-1-03 consists of specific guidelines as to how affected entities should file LTFRs with the Commission and provide notice to the public.

Within the amendment to this rule, the Commission streamlines the filing process for the applicable stakeholders, as well as streamlines the notice requirements for these stakeholders. Specifically, the filing entities must now file their reports electronically and are no longer also required to file hard copies of the report. Furthermore, the amendments to this rule lessen the burden on filing entities related to notice of the reports by removing requirements to mail hard copies to local libraries, among other organizations. Instead, the report will be available electronically on the Commission's website and, upon request, by hard copy from the Commission's offices or from the reporting person, at cost.

Prior effective dates of this rule: 06/01/1983, 11/24/1983, 07/18/1985, 11/20/1987, 01/15/1990, 08/17/1990, 09/18/2000, 05/31/2007, 08/31/2017

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.

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The Commission does not anticipate that the revision to this rule will increase or decrease its revenues to the agency.

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

Affected entities must expend time and resources to compile and file the long-term forecast report in the manner described in the rule. However, this amendments to this rule significantly streamline the filing and public notice requirements. The entity can now file their report online and no longer needs to provide hard copies to the Commission, public libraries, or others, unless specifically requested.

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.**

Although not included in this specific rule, Ohio Adm.Code 4901:5-3-02 requires electric transmission, electric utilities, gas, and natural gas utilities to pay an annual fee to the Commission based on the amount of energy delivered by each specific entity the previous year. Revenues received by the Commission help fund its operations, including compensating employees such as those who review LTFRs as well as fund IT systems that help in this review.

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?** Yes

Yes, the affected entities must qualify under the Revised Code as a public utility and be subject to regulation by the Commission to operate in this line of business.

- 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

This specific rule does not necessarily. Ohio Adm.Code 4901:5-1-04 directs that the Commission may hold a hearing regarding the submitted LTFR. A Commission decision from this hearing could potentially direct the affected entity to comply with certain conditions. If the affected entity failed to follow

this directive, the Commission could take different courses of action, including possibly assessing forfeitures for failing to comply. The same holds true if the affected entity would fail to comply with Ohio Adm.Code 4901:5-3-01, which sets due dates for the LTFRs to be filed.

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

This rule specifically requires that an affected entity must file a LTFR with the Commission in compliance with this specific rule and R.C. 49.35.04

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? Yes

It would likely increase expenses since the affected entity must use time and resources to compile and file this statutorily-required report with the Commission.

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? 3

4901:5-1-03(A) Regulatory restriction requiring LTFRs to be filed electronically (this provision is a revised version of the existing 4901:5-1-03(A))

4901:5-1-03(B) Regulatory restriction requiring each LTFR to contain a signed affidavit (this provision is the same as the existing 4901:5-1-03(D))

4901:5-1-03(C) Regulatory restriction requiring an LTFR to be provided to any person upon request (this provision is a revised version of the existing 4901:5-1-03(C) and (I))

B. How many existing regulatory restrictions do you propose removing from this rule? 0

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Rescinded Rule 4901:5-1-03

D. Please justify the adoption of the new regulatory restriction(s).

The additions are restrictions that remain in the amended rule, however, as there was more than 50% change in language, the ERF filing requirement to Rescind/New was enacted.