

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-1-04

Rule Type: Amendment

Rule Title/Tagline: Conditions for hearing and submission of full forecast report.

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? Yes
 - A. What is the rule's five year review date? 3/20/2023
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? 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 4901:5-1-04 consists of the conditions upon which a Commission hearing on the filed LTFR must be met in order to have the hearing.

The lone amendment to this rule, in Ohio Adm.Code 4901:1-04(A)(2), is clerical and removes a reference to a Commission rule paragraph that no longer exists.

- 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.**

Yes, but the material is exempted under R.C. 121.75.

- 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.

na

na

- 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, and they must expend time and resources preparing for and participating in litigation.

- 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? Yes**

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 fails to follow this directive, the Commission could take different courses of action, including possibly assessing forfeitures for failure to comply.

- 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 and, if certain conditions are met, may require the affected entity to expend resources preparing for and participating in litigation in support of its LTFR.

- 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 and prepare for and participate in litigation to support its LTFR.

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? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable