

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-19-05

Rule Type: New

Rule Title/Tagline: Actions taken upon declaration of an energy emergency.

Agency Name: Public Utilities Commission of Ohio

Division: Division of Forecasting

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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? 4935.03
5. What statute(s) does the rule implement or amplify? 4935.03
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?

The Commission must adopt rules, with the approval of the governor, defining various foreseen types and levels of energy emergency conditions for critical shortages or interruptions in the supply of electric power, natural gas, coal, or individual petroleum fuels and specifying appropriate measures to be taken at each level or for each type

of energy emergency, as necessary, to protect the public health or safety or prevent unnecessary or avoidable damage to property.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth the actions that electric providers and electric power producers must take upon declaration of an energy emergency. Amendments to this rule are made pursuant to R.C. 121.951(A)(1) that requires state agencies to reduce their total number of regulatory restrictions. In addition, other amendments to these rules are pursuant to the Commission's obligation to conduct a five-year review of its administrative rules under R.C. 111.15(B) and R.C. 106.03(A). In this instance, because more than 50 percent of the rule is being amended, we are rescinding the current rule and are presenting a new Ohio Adm.Code 4901:5-19-05.

- 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.

0

Not Applicable

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

The electric provider or electric power producer may incur some costs depending on the means used to notify its consumers.

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.

Not Applicable

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? 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? Yes

Yes. This rule sets forth the actions that the Commission may require electric providers and producers to take in anticipation of an imminent energy emergency and requires that regulated electric providers notify consumers regarding the imminent energy shortage or declared energy emergency.
 - 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? 26

4901:5-19-05(A)(1) - restriction for the electric provider to impose mandatory curtailment if voluntary conservation has not resulted in a specified level of conservation.

4901:5-19-05(A)(2) - restriction for the electric provider to implement a media campaign(s) to inform its consumers and add reporting requirements to customers and the Commission.

4901:5-19-05 (A)(3) - restriction requiring electric providers issue periodic bulletins and the content of the bulletins.

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4901:5-19-05(A)(4) - restriction requiring electric providers report to the Commission anticipated and actual consumption and fuel savings data.

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4901:5-19-05(A)(6) - restriction requiring that the electric providers and power producers reduce internal consumption and the components to be considered, to the extent feasible and safe.

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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.

4901:5-19-05 Rescinded

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

The Commission must adopt rules, with the approval of the governor, defining various foreseen types and levels of energy emergency conditions for critical shortages or interruptions in the supply of electric power, natural gas, coal, or individual petroleum fuels and specifying appropriate measures to be taken at each level or for each type of energy emergency, as necessary, to protect the public health or safety or prevent unnecessary or avoidable damage to property. While the above-noted regulatory restrictions are substantively part of the current 4901:5-19-05; however, as part of its 5-year review of the rule, the Commission is amending the rule to such an extent that more than 50 percent of the content of the current rule is being deleted. Therefore, as advised by the Joint Committee on Agency Rule Review and the Legislative Services Commission, 4901:5-19-05 must be rescinded and a new 4901:5-19-05 adopted.



MIKE DEWINE
GOVERNOR
STATE OF OHIO

April 7, 2023

Jenifer French, Chair
Public Utilities Commission of Ohio
180 E. Broad Street, 12th Floor
Columbus, Ohio 43215

Dear Chair French,

Please accept this correspondence as my formal notification that, pursuant to Ohio Revised Code Section 4935.03, I have approved the revisions made by The Public Utilities Commission of Ohio to rules 4901:5-17, 4901:5-19, 4901:5-21, 4901:5-23, 4901:5-25, 4901:5-29, 4901:5-33, 4901:5-35, and 4901:5-37 in the Ohio Administrative Code.

A handwritten signature in blue ink that reads "Mike DeWine".

Mike DeWine
Governor, State of Ohio