

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-3-02
Rule Type: Amendment
Rule Title/Tagline: Fees.
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 4901:5-3-02 prescribes the fees to be paid by entities required to file long-term forecast reports (LTFR) with the Commission.

The primary amendment to Ohio Adm.Code 4901:5-3-02 requires that all fees be made in a manner as prescribed by the Commission, altering the requirement that the fee be made only be check to the Commission. Two other amendments are clerical, removing the reference to a specific column on an incorporated form.

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, this rule references three specific forms that an entity must include in its LTFR. The forms only require that data related to an entity's long-term energy forecasts be entered onto the form. These forms are easily found on the Commission's website. References to each form refer to that form's title, which can be found when searching "long term forecast report" or variations of that on the Commission's website.

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

This rule is revised to attach the proper CSI material that was incorrectly attached in the Original File.

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

The Commission does not anticipate an increase or decrease in revenues due to the revision of this rule. Generally, the specific amount paid by each filing entity varies each year since the fee is tied to the total energy delivered by that entity the prior year.

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

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.**

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. R.C. 4935.04(G) specifically states that the Commission "...shall adopt rules...to establish reasonable fees to defray the direct costs of the hearings and the review process[.]"

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 rule does not necessarily; however, if the affected entity would fail to pay the required fee, then the Commission under its general regulatory powers could initiate an action against the specific LTFR-filing entity for failing to make the payment.

- 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 pay a LFR fee, as required under R.C. 4935.04(G).

- 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 make a fee payment to 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?** 0

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 2

4901:5-3-02(C) removes a burdensome requirement related to making fee payments only be check.

4901:5-3-02(C) removes a burdensome requirement requiring a hard copy of the fee invoice to accompany the check payment.

- 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).**

Not Applicable