

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:5-37-02
Rule Type: Amendment
Rule Title/Tagline: General provisions.
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?** 4/21/2023
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?** 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?**

R.C. 121.951(A)(1) rules reduction and Five-year review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule sets forth general procedures that govern application for assignment under the state set-aside program.

Amendments to these proposed rules are made pursuant to Ohio Revised Code 121.951(A)(1) that requires state agencies to reduce their total number of regulatory restrictions. In addition, other amendments to these proposed 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).

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.**

To Attach the CSI Materials

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?**

Not Applicable.

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? Yes

Yes, this rule provides that the Commission may direct the Ohio Attorney General to bring an action for immediate injunction or other appropriate relief to enforce Commission orders and to secure immediate compliance with the chapter.

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

Yes, this rule requires electric distribution utilities to submit to the Commission their curtailment plans and amendments on energy shortages or delivery constraints.

- 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

Yes, the impact will be directly related to the costs associated with submitting information 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? 6

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of this chapter during critical situation for operation

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of orders during critical situation for reliability

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of this chapter per potential adverse effect on operation

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of orders per potential adverse effect on reliability

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of this chapter per adverse effect on operation

4901:5:37-02(B) - eliminating restrictive language that each entity shall comply with the rules of orders per adverse effect on reliability

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



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.

Mike DeWine
Governor, State of Ohio