Regulatory Analysis – 815-RICR 00-00-04

Concise Summary

The Division of Public Utilities and Carriers has conducted a Regulatory Analysis of this proposed regulation as directed by RI General Laws 42-35-2.9. The Regulation, proposed in response to a statutory requirement that electric and gas utilities file annual Emergency Response Plans with the Division is necessary for the Division to review and enforce terms of this statutory requirement. There is no additional cost to the Division in administering provisions of the rule, and care was taken to avoid any additional utility costs beyond what is required by statute. The regulation only applies to regulated gas and electric utilities with virtually all of the requirements exclusively applying to the state's lone dominant gas and electric utility.

Analysis of the benefits and costs of a reasonable range of regulatory alternatives reflecting the scope of discretion provided by the statute authorizing the proposed rule

The regulation is proposed in light of statutory requirements of utilities to comply with R.I. Gen. Laws § 39-2-26 and § 39-2-27. In the process of developing the draft rule, the Division engaged utilities and incorporated several suggestions that were useful in clarifying and streamlining the proposal. The regulation is designed not to exceed the spirit of the statute and in most instances reflects statutory requirements and current practices.

Demonstration that there is no alternative approach among the alternatives considered during the rulemaking proceeding which would be as effective and less burdensome to affected private persons as another regulation. This standard requires that an agency proposing to write any new regulation must identify any other state regulation which is overlapped or duplicated by the proposed regulation and justify any overlap or duplication.

This is the first iteration of a regulation specifically related to the filing and content of gas and electric utility emergency response plans. The Division believes the regulation serves as a guide to utilities in complying with the statute to file annual emergency response plans and as such, is not burdensome. The regulation does not overlap with the authority or responsibilities, but it does reference and acknowledge the regulatory role of the Public Utilities Commission.

Additional considerations:

The benefits of the proposed rule justify the costs of the proposed rule

The provision of safe and reliable service is a major goal of this agency as well as a statutory requirement that the utilities file annual emergency response plans. Delayed service restoration is a concern for public safety as well as causing significant negative economic impact for businesses and residents. While we do not anticipate that the rule would have any cost impact on the Division, we have also worked with the utilities to not include any provisions that would incur additional utility costs beyond the underlying statutory requirement.

The proposed rule will achieve the objectives of the authorizing statute in a more cost-effective manner, or with greater net benefits, than other regulatory alternatives.

As noted, the Division engaged utilities, and particularly the state's dominant gas and electric utility in developing the draft regulation. The shared goal was to be a cost-effective as possible while supporting the regulatory framework for the Division to review the annually filed emergency response plans, as required by statute.