Regulatory Analysis – 815-RICR 40-00-01

Concise Summary

AGENCY: Division of Public Utilities and Carriers
RULE IDENTIFIER: 815-RICR-40-00-01
RULE TITLE: Standards for Water Utilities
REASON FOR RULEMAKING:

The Division seeks to correct a typographical reference error in 1.5(E)(2) (b) and 1.5(E)(2)(c)(1):

b. Slow Meters. Whenever as the result of a test made by the water utility or the Division at the request of the customer, a meter is found to register less than 98% of the correct amount, the water utility may make a charge to the customer for the unbilled amount supplied for the previous twelve (12) months, or for a period equal to one-half of the time elapsed since the last test or replacement, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon, subject to the three (3) year limitation set out in § 1.~~5~~3(E)(3) of this Part.

c. Non-Registering Meters.
   (1) Non AMR Meters. If a meter without an AMR is found which does not register, the water utility may make a charge to the customer for the unbilled amount that is based upon information recorded prior or subsequent to the period of nonregistration, and any other pertinent information supplied by the customer or known to the water utility, subject to the three (3) year limitation set out in § 1.~~5~~3 (E)(3) of this Part.

Essentially the reference should be to 1.3 instead of 1.5. There is no 1.5 E (3). The correction simply clarifies where someone reading the regulation could actually find additional details of the referenced three-year limitation.

It is possible the error crept in during the RICR formatting process. In any event, we believe this error has been in place for several years.

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.

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 only alternative is to leave the regulation as is, directing the reader to a section of the regulation that does not exist.

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.

As noted above, the only alternative is to leave the regulation as is, directing the reader to a section of the regulation that does not exist. The change, referencing the correct section, does not change policy, procedures, or requirements. The proposed change does not overlap, duplicate or conflict with other state regulations.

Additional considerations:

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

As noted above, the only alternative is to leave the regulation as is, directing the reader to a section of the regulation that does not exist. There is no cost associated with this correction of a typographical error.

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.

The proposed change will direct the reader of the regulation to the intended section. We believe this is a demonstrable net benefit.