

Economic Impact Statement

LSA Document #07-379

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed rule amends the Indiana Utility Regulatory Commission's ("Commission" or "IURC") current rule governing ex parte communication. The amendment primarily brings the titles or positions referenced in the rule current with Commission titles and positions and broadens the range of access parties and nonparties to proceedings have to Commission staff and attorneys without engaging in prohibited communication.

This amendment affects those small businesses that currently, or may at some time in the future, provide electric, gas, water, sewage disposal, or telecommunications services in Indiana under the jurisdiction of the IURC. There are currently 122 small businesses that are authorized to provide the above referenced types of services under the jurisdiction of the IURC: electric – 0; gas – 6; sewer – 50; telecommunications – 53; and water –13. The number of small businesses that will be subject to this rule will probably increase gradually over time as property continues to be developed in Indiana and small businesses continue to apply for authorization to offer utility services. However, it is unknown (and there is no way to know) how many small businesses may in the future become subject to IURC jurisdiction. Therefore, the Commission cannot determine (or reasonably estimate) at this time the number of small businesses that will be subject to this rule.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur

There are no regulatory costs associated with this proposed rule. To the contrary, the rule permits a broader range of access to Commission staff, which is anticipated to reduce the number of prohibited ex parte communications that occur in proceedings, and more clearly identifies with whom certain types of communication is prohibited, thereby potentially decreasing administrative expenses and legal fees.

Estimated Total Annual Economic Impact on Small Businesses

The net economic impact to small businesses, if any, is estimated to be positive.

Regulatory Flexibility Analysis of Alternative Methods

The Commission has determined that amendment of the ex parte rule would be the most efficient for the marketplace. The potentially positive economic impact of the amendment will benefit small Indiana businesses.

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