

Economic Impact Statement

LSA Document #10-184

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

(1) Estimate of Number of Small Businesses That Will Be Subject to this Rule

[IC 8-1-26-26](#) requires the Commission to adopt rules to carry out its responsibilities under [IC 8-1-26](#). [IC 8-1-26](#) applies to anyone that is involved in excavation or that owns underground facilities. [IC 8-1-26-6](#) defines excavation as an operation for the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of tools or mechanized equipment or by discharge of explosives, including augering, backfilling, boring, digging, ditching, drilling, driving, grading, jacking, plowing in, pulling in, ripping, scraping, trenching, and tunneling. The definition of excavation is so broad that it could apply to almost any small business. It is impossible to estimate how many small businesses will be subject to this rule. Therefore, the commission cannot determine the number of small businesses affected by this rule.

(2) Estimate of Average Annual Reporting, Record Keeping, and Other Administrative Costs

This rule does not impose any annual reporting or record keeping costs. The only costs are those properly attributed to the underlying statute.

(3) Estimate of the Total Economic Impact of this Rule on Small Businesses

Because there is no way at this time to determine the number of small businesses affected by this rule, it is impossible for the commission to estimate the total economic impact of this rule. However, this rule does not impose any costs, but instead the costs are those properly attributed to the underlying statute.

(4) Statement Justifying Any Requirement or Cost Imposed

No requirement or cost is imposed on any business, small or large, under this rule. The only costs are those properly attributed to the underlying statute.

(5) Regulatory Flexibility Analysis

This rule provides a brief and simple outline of the commission's process for addressing violations of [IC 8-1-26](#). No further consolidation or simplification is possible that would achieve the purpose of this rule.

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