

Date of Public Notice: 10/8/2014

Date of Hearing/End of Comment Period: November 12, 2014

**NOTIFICATION FORM**  
*RI Division of Public Utilities and Carriers*  
**SMALL BUSINESS REGULATORY IMPACT AND**  
**REGULATORY FLEXIBILITY ANALYSIS**  
(R.I.G.L. § 42-35.1-4)

**Title of Administrative Rule or Regulation:** Consumer Protection Requirements for Nonregulated Power Producers (amending current rules)

**Statutory Authority:** R .I. Gen. Laws § 39-1-3(b), 39-1-27.1(C)(D) and § 39-2-1(c)

**The Regulation:** (The purpose for the amendment(s)):

The Division is proposing amendments to its NPP Rules to reflect recent changes made by the Public Utilities Commission (PUC) to its rules entitled *Consumer Protection Requirements for Nonregulated Power Producers*. The PUC's amendments included changes to properly reflect the current respective statutory jurisdiction of the PUC and Division in addressing consumer complaints against Nonregulated Power Producers. The PUC's rules now clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers. The Division is proposing amendments to its NPP Rules to be consistent with the recently amended PUC Rules. The proposed language will have no substantive impact on the existing complaint resolution process.

**Expected Small Business Impact:**

There does not appear to be a matching NAICS code for this category of companies. However, assuming some may be small businesses, it is unknown. These types of businesses can be located anywhere in the U.S. and may be larger than the definition of small business. There are currently 104 registered in RI, but not all are actually selling electric supply to retail customers in RI.

**Regulatory Flexibility Analysis:**

*The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:*

- (1) The establishment of less stringent compliance or reporting requirements for small businesses.

There are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

There are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (3) The consolidation or simplification of compliance or reporting requirements for small businesses.

Even assuming the nonregulated power producers are small businesses, there are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

Even assuming the nonregulated power producers are small businesses, the regulations are designed to reflect the statutorily supported consumer dispute resolution authority of the Division.

- (5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Even assuming the nonregulated power producers are small businesses, exemption from all or part of the rules would put consumers at disadvantage.