

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules of Practice and Procedure

Statutory Authority: RIGL § 42-35-1 et seq.

Purpose: These rules govern the process for informal procedures and formal evidentiary hearings that are conducted by the Division.

Regulatory History and Review Notes: The current iteration of these rules became effective February 15, 1999. A minor technical revision was filed on September 14, 2007. These rules operate in concert with statutory language governing administrative procedures to provide the framework for the review of all matters brought before the Division. The rule is understandably substantial, in that, it includes specific provisions for several different types of hearing and review process.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule governs practice and procedure for Division reviews, and hearings.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule.

- (3) The complexity of the rule;

The rule is relatively complex, though this is understandable given the nature of its regulatory scope.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The Division is unaware of any major developments since its' enactment that would affect this rule. Nevertheless, the Division may consider the whether to consider a possible re-drafting in the next year or two.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules Governing Community Antenna Television Systems

Statutory Authority: RIGL § 42-35-1, 42-35-2, 42-25-3, 42-35-4, 42-35-5, 39-1-15, 39-3-33, 39-1-38, 39-19 v vc -6, 16-61-6, and 6.2.

Purpose: These rules govern all aspects of cable television operations in the State of Rhode Island, including franchising, technical and design standards, safety, line extension policies, tariff filings, customer service and public access.

Regulatory History and Review Notes: The current iteration of these rules became effective January 15, 2010. The evolution of this rule has mirrored changes in the cable television industry. The initial versions promulgated in 1981 and 1983 were focused on establishing a statewide cable infrastructure. Later iterations reflected technical changes as well as the advent of increased competition within service areas. The rule was amended accordingly in 2005, 2007 and 2008 with additional amendments incorporated in 2010.

This rule has been aggressively amended, especially over the last five years. These amendments have kept the rule current with technology, industry trends, as well as changes in Federal regulation. The amendment process has also been responsive to concerns raised by customers, public access providers and cable television companies.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule serves a vital regulatory function for an ongoing and competitive industry.

- (2) The nature of complaints or comments received concerning the rule from the public;

Though its' various iterations, the comments of cable company operators, the public access television community, and general public have been weighed, and in many cases incorporated in the rule.

(3) The complexity of the rule;

The rule is understandably substantial, in that it governs a broad scope of cable franchise operations.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The rule reflects the rate setting limitations established by the Federal government. The Division is not aware of any conflict with state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The regulatory history of this rule reflects aggressive revisions to respond to and anticipate changes in the in the industry.

(6) Whether the rules are consistent with current agency practices and procedures; and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules and Regulations Prescribing Standards for Water Utilities

Statutory Authority: RIGL § 39-3-8 and 39-3-33

Purpose: These rules govern the operation of regulated water utilities. It includes service provisions such as regulations for rate schedule filings, deposits and interest, meter reading, customer complaints and termination of service. The rule also addresses quality of service, meter installation, accuracy and testing standards for equipment and facilities standards. The rule additionally makes provisions for record and reporting requirements as well as reporting requirements for water utility accidents that result in serious injury or death.

Regulatory History and Review Notes: Effective February 21, 2008, the rule replaced the earlier version dating from March 1, 1966. The current version is a concise document that reflects current technical standards and metering technology. It also provides for more streamlined reporting requirements for regulated water utilities. The rule was drafted with significant input from the water utility industry.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule supports the Divisions statutory obligations to regulate certain water utilities.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule. In its latest revision, the Division sought input from all stakeholders in the drafting process.

- (3) The complexity of the rule;

The rule was, in part, designed for its clarity, and accomplishes its function in 27 pages of regulations, including an appendix.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The current version of the rule was adopted in 2008 and captured the changes in water utility operations and technology.

(6) Whether the rules are consistent with current agency practices and procedures; and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Rules and Regulations Prescribing Standards for Gas Utilities, Master Meter Systems and Jurisdictional Propane Systems

Statutory Authority: RIGL § 39-3-33

Purpose: These rules govern the operation of regulated gas utilities

Regulatory History and Review Notes: Effective October 5, 2006 the rule replaced the earlier version dating from June 8, 1966. The current rule incorporates and updates provisions of three other prior regulations which were repealed with its adoption. Consequently, operators of Gas Utilities, Master Meter Systems and Jurisdictional Propane Systems refer to a single Division regulation. The state regulation explicitly notes, "These rules and regulations are intended to supplement, and shall be interpreted in a fashion consistent with the Federal rules set out in the Code of Federal Regulations (CFR), specifically in 49 CFR Parts § 40 and § 190-199." The state regulation incorporates these Federal rules by reference.

Much like the water utilities regulation, the current version of the gas regulation is a concise document that reflects current technical standards and metering technology. It also provides for more streamlined reporting requirements for regulated water utilities. The rule was drafted with significant input from the water utility industry.

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The rule supports the Divisions statutory obligations to regulate natural gas utilities, master metering and jurisdictional propane systems.

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule. In its latest revision, the Division sought input from all stakeholders in the drafting process.

(3) The complexity of the rule;

The current version of the rule incorporates into a single document regulation that was previously spread over several rules. While it is a substantial document, it is arranged to afford clarity to gas utilities, as well as commercial and residential customers.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The current version of the rule was adopted in 2006 and captured the changes in gas utility operations and technology. The nature of the industry and technology have not undergone significant changes since this drafting.

(6) Whether the rules are consistent with current agency practices and procedures; and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Rules Applicable to Non-Regulated Power Producers

Statutory Authority: RIGL § 39-1-3(b) and 39-1-27.1(c) and (d) as well as 39-1-2(7.1)

Purpose: These rules are in response to statutory direction in: RIGL § 39-1-3(b) and 39-1-27.1(c) and (d) that authorizes the Division to exercise certain regulatory authority over Non-Regulated Power Producers (NPP's).

Regulatory History and Review Notes: The rule became effective February 15, 1999.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule supports the Divisions statutory obligations to provide a means for registering NPP's.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule.

- (3) The complexity of the rule;

The rule addresses only the limited scope of the Division's responsibilities in registering NPP's.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The Division is unaware of any changing factors that would impact applicability of the rule and its provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules and Regulations for Telephone Operator Service Providers in Rhode Island

Statutory Authority: RIGL § 39-3-33

Purpose: These rules set regulatory standards for telephone operator service providers, their billing agents, and aggregators rendering service within the state. The rules establish the responsibilities of these providers and delineate the conditions under which they may operate.

Regulatory History and Review Notes: The rule became effective April 8, 1991.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule sets standards for telephone operator service providers, a function that remains necessary.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule.

- (3) The complexity of the rule;

The rule addresses only the limited scope of the operator service provider standards.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

Even mindful of the amount of time that has passes since its' enactment, the Division is unaware of any changing factors that would impact applicability of the rule and its provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Regulations and Fee Schedules for Telecommunications Providers

Statutory Authority: RIGL § 39-3-33, 39-1-26(c)

Purpose: These rules govern the fees payable to the state's general fund by telecommunications providers who are not otherwise subject to the provisions of the Public Utilities Reserve Account as outlined in RIGL § 39-1-26(a) or (b). These fees represent the costs incurred by the Division in docketing, investigation and overall decision-making.

Regulatory History and Review Notes: The rule became effective December 26, 1995.

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The rule is clearly directed by RIGL § 39-1-26(c) to establish fees for these classes of telecommunications providers.

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule.

(3) The complexity of the rule;

The rule addresses only the limited scope of fees that apply to certain classes of telecommunications providers.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The fees have not been amended since enactment. The revenue generated, however, is in part a factor of the number of competitive telecommunications providers filing tariffs in the state. In short, the competitive nature of the market has generated sufficient revenue to cover regulatory costs with the necessity of adjusting fees.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules Prescribing Standards for Electric Utilities

Statutory Authority: RIGL § 39-3-33, 39-3-8

Purpose: These rules establish standards for the operation of local electric distribution companies in the state. The rules also address the relationship between the companies and subscribers. In addition the rules reflect state statutory requirements, and where applicable, refer to federal regulations.

Regulatory History and Review Notes: The rule became effective September 21, 2004. The enactment superseded regulations that had gone into effect in May 1994.

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The rule covers vital regulatory issues relating to the electric service distribution industry in Rhode Island. .

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule.

(3) The complexity of the rule;

These regulations are remarkably compact. The rule addresses a broad regulatory landscape for electric service providers, ranging from billing issues to service quality, meter reading, equipment and facilities. It accomplishes this in 15 pages of regulatory language.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The current version of the rule was enacted just over six years ago. There are no major technical, economic or other factors that would impact its' provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Fuel Price Emergency Surcharge Rules for Towers, Taxicabs and Limited Public Motor Vehicles, Water Carriers

Statutory Authority: RIGL § 42-35-3, 39-12-13 and 39-3-33

Purpose: These rules are prescribed by RIGL § 39-12-13 which establishes a fuel surcharge program for regulated taxicabs, limited public motor vehicles, and towers.

Regulatory History and Review Notes: The Division conducted public hearings in 2001, subsequent to the statutory enactment. In August of that year, the Division issued separate orders relating to the surcharge program for towers, taxicabs and limited public motor vehicles and water carriers. The rule, incorporating the provisions of these orders, became effective April 30, 2002.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule allows certain classes of regulated motor carriers to charge fuel surcharges when certain price thresholds have been met. It was enacted in response to rising fuel prices and remains relevant.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received limited complaints concerning this rule. With the imposition of the fuel surcharge, the Division has been questioned by consumers about the structure of the program

- (3) The complexity of the rule;

These regulations are succinct and clear as to the applicability and procedures for applying the fuel surcharge for each class of motor carrier.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The rule itself is designed to respond to monthly fuel price fluctuations.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules and Regulations Governing the Transportation of Passengers via Taxicabs and Limited Public Motor Vehicles

Statutory Authority: RIGL § 39-3-33, 39-14-2 and 39-14.1-8

Purpose: These rules provide operating guidelines for companies operating taxicabs and limited public motor vehicles (LPMV's) in the state (Taxi Rules).

Regulatory History and Review Notes: After extensive research and outreach to the industry the Division conducted public hearings and eventually enacted this amended version of the Taxi Rules in July, 2005.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule provides specific and detailed requirements for companies operating taxicabs and LPMV's. It addresses quality of service and safety issues for the general public.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received limited complaints concerning this rule.

- (3) The complexity of the rule;

These regulations are highly detailed, however, given the scope and nature of the regulation, the level of detail helps to avoid any ambiguities in interpreting its provisions.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

There are factors that will necessitate a re-visiting of provisions of this rule. The Division is contemplating a more specific definition of the term "call and demand". This issue may be resolved in conjunction with a planned rule-making to adopt Rules and Regulations Governing the Transportation of Passengers via Public Motor Vehicles (PMV's). (As an aside, the statutory authority for these regulations can be found in RIGL § 39-14.1. Their enactment would provide regulatory clarity to the public who hire PMV's and the industry.)

Other potential Taxi Rule amendments could include, but not be limited to, lease provisions. This proposed rule-making has involved outreach to the industry.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 . A revision is contemplated, as referenced in the Division's Regulatory Agenda for June 16, 2010 through January 15, 2011.

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Rules and Regulations for Licensing Operators Transporting Passengers in Taxicabs, Limited Public Motor Vehicles and Public Motor Vehicles

Statutory Authority: RIGL § 39-14-20, 39-14-2 and 39-14-1-8

Purpose: These rules were established to codify the licensing procedure for and professional conduct of, the drivers of taxicabs, limited public motor vehicles and public motor vehicles.

Regulatory History and Review Notes: The Division adopted this as a new rule, effective July 10, 2006. Prior to its drafting, the Division conducted extensive outreach to all of the stakeholders. Additionally, public comments made in February and April 2006 hearings were incorporated in this regulation.

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The rule establishes standards for drivers of these regulated motor carriers. Ultimately it supports the quality of service and safety of the riding public.

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has received limited complaints concerning this rule.

(3) The complexity of the rule;

While detailed, these regulations are not excessive and its provisions are clearly stated.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The rule was only adopted four years ago, and the Division is not aware of any factors that would impact its provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Rules and Regulations Governing Transportation by Motor Carriers of Property

Statutory Authority: RIGL § 39-12-4, 39-12-12, 39-12-26 and 39-3-33

Purpose: These rules govern the transportation of property by regulated common carriers.

Regulatory History and Review Notes: The current version of this regulation became effective April 4, 2005.

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The rule provides valuable regulations for motor carriers of property, including towers and household goods movers in the state. .

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has received limited complaints concerning this rule, per se. It should be noted that this rule has been a consumer resource for members of the public who have complaints over the service and/or charges from motor carriers of property.

(3) The complexity of the rule;

The Division does not find the current version to be overly complex, however, there is some consideration of creating separate rules for towers at some point in the future. Such a rulemaking may afford some additional regulatory clarity. This potential rulemaking is not listed in the current Regulatory Agenda, though its exclusion would not preclude the Division from taking up such a rulemaking should it decide to do so before January 15, 2011.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

As noted above, the Division has found through the application of the rules, that a separate set of regulations governing just towers may be advisable, and is under consideration.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 . A future re-structuring that may include separate rules for towers may afford some additional regulatory clarity.

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules and Regulations Governing Digital Filings and Website Information

Statutory Authority: RIGL § 39-1-18

Purpose: These rules govern the requirements of digital filings with the Division and information posted on the Division's official Internet website.

Regulatory History and Review Notes: The rules are in response to a legislative directive that required digital document filings to the Division and Public Utilities Commission. The same legislation directs the Division to maintain a website that includes notices, filings, orders, tariffs consumer information and other related material. The rule became effective September 1, 2003.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule reflects the modern reality that the easiest form of public access to documents is through electronic means.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has not received complaints concerning this rule. The Division has, of course, received inquiries about postings. In some cases the sheer volume of portions of some filings are too massive to be posted on the server. In those cases we have an e-mail link to request a copy on a storage device, like a CD.

- (3) The complexity of the rule;

These regulations are succinct and clear.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

There are no major factors that have impacted the rule's provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Rules and Regulations Governing the Rhode Island Telecommunications Education Access Fund

Statutory Authority: RIGL § 39-1-61, 39-3-33 and 42-35-3

Purpose: These rules were adopted to transfer administrative authority for the Rhode Island Telecommunications Education Access Fund (TEAF) from the Public Utilities Commission (Commission) to the Division.

Regulatory History and Review Notes: The rule reflects statutory language that transferred the administrative authority for the TEAF program from the Commission to the Division. The rule became effective May 9, 2005.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule covers an ongoing, legislatively mandated, program.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received no complaints concerning this rule, per se, though we have fielded occasional questions about that charge as well as other telephone bill charges.

- (3) The complexity of the rule;

These regulations are succinct.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

There are no new factors that would impact the rule's provisions.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Bill of Lading Requirements for Certified Towing Companies

Statutory Authority: RIGL § 39-12-4, 39-12-28, and 39-3-33

Purpose: These rules are simply a template for bills of lading issued by certified towing companies.

Regulatory History and Review Notes: It appears the rule had earlier been a component of the regulations pertaining to motor carriers of property. The most recent administrative activity is a re-file pursuant to RIGL § 42-35-4.1 on January 4, 2007.

RIGL §42-35-3.4 directs the review process to address the following factors:

(1) The continued need for the rules;

The addresses active bill of lading requirements.

(2) The nature of complaints or comments received concerning the rule from the public;

The Division has received no complaints concerning this rule.

(3) The complexity of the rule;

These regulations are extremely succinct and clear.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

It is conceivable that this rule could simply be incorporated with the regulations governing motor carriers of property, possibly in concert with any planned establishment of separate rules for towers.

(6) Whether the rules are consistent with current agency practices and procedures; and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Safety Requirements for Equipment Used in Maintenance of Way Work

Statutory Authority: RIGL § 39-6-27

Purpose: These rules relate to railroads, and specifically the safety requirements for equipment used in maintenance of way work.

Regulatory History and Review Notes: The most recent administrative activity was a periodic re-file on January 4, 2007.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The regulation makes very specific reference to particular safety requirements for equipment used in maintenance of way work.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received no complaints concerning this rule.

- (3) The complexity of the rule;

These regulations are succinct and clear.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules. Title 49 sec. 214.4 of the Code of Federal regulations allows for essentially local safety hazard concerns to be addressed by state law.

- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

The Division has received no requests to amend or repeal this rule.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

**Periodic Review of Rules
as Prescribed by RIGL §42-35-3.4
Division of Public Utilities and Carriers**

Rule Name: Rules and Regulations Establishing Non-Profit Affordable Housing Certification Application Process and Eligibility Criteria- as Required Under Rhode Island General Laws, Section 39-26-2(19)

Statutory Authority: RIGL § 39-26-2(19)

Purpose: These rules are in response to a legislative mandate included in a revision of RIGL § 39-26, specifically a provision that requires the Division to promulgate regulations setting forth an application process and eligibility criteria for non-profit affordable housing developments or projects to benefit from the allotted renewable energy demonstration projects constructed and placed in service under RIGL § 39-26-6(k) and the additional consequential ability to apply excess renewable generation credits to other accounts within the eligible affordable housing development, or project in accordance with RIGL § 39-26-6(g)(3)

Regulatory History and Review Notes: The regulation was noticed in February 2009, and enacted April 30, 2009.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The rule is in response to a current legislative mandate.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received no complaints concerning this rule.

- (3) The complexity of the rule;

These regulations are extremely succinct and clear.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

There has been no impact.

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .

Periodic Review of Rules as Prescribed by RIGL §42-35-3.4 Division of Public Utilities and Carriers

Rule Name: Access to Public Records Regulations

Statutory Authority: RIGL § 38-2-1 et seq. and 42-35-2(a)

Purpose: These rules simply codify procedures that govern access to public records.

Regulatory History and Review Notes: At the request of the Department of Administration, the Division joined other state agencies in the promulgation of rules pertaining to access to public records. These rules became effective July 2, 2010.

RIGL §42-35-3.4 directs the review process to address the following factors:

- (1) The continued need for the rules;

The regulation was enacted recently to codify public records access procedures as part of a statewide effort to establish similar rules in each agency.

- (2) The nature of complaints or comments received concerning the rule from the public;

The Division has received no complaints concerning this rule.

- (3) The complexity of the rule;

These regulations are succinct and clear.

- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state and local government rules;

The Division is not aware of any conflict with federal, state or local rules.

- (5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.

NA

(6) Whether the rules are consistent with current agency practices and procedures;
and

Yes

(7) Whether the rules are consistent with and authorized by applicable statutes.

Yes

The current version of this regulation satisfies the standards included in RIGL §42-35-3.4 .