

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

ECONOMIC IMPACT STATEMENT **LSA Document #24-392**

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

I. Estimate of Number of Small Businesses that Will Be Subject to this Rule

This rulemaking implements HEA 1623-2023 by including in a rule certain fees and penalties that may be assessed by the Indiana Utility Regulatory Commission (“IURC”). In total, this rulemaking includes six different penalties or fees over the six sections in the rulemaking. The penalties may be assessed against (1) telecommunications providers for unauthorized switching of customers between provider or unauthorized billing; (2) telecommunications providers for unjust and unsafe practices; and (3) communications service providers for limiting competition. The fees are (1) an \$832 fee for an application for a certificate of video franchise authority; (2) The universal service fund fee charged to telecommunication carries based on a percentage of their intrastate retail revenue; and (3) a hearing-impaired services surcharges charge to each residential and business telephone line or line equivalent.

It is unknown how many telecommunications providers and communications service providers would violate the penalty provisions and be subject to penalties. It is likewise unknown the number of small businesses that would seek video franchise authority, or be subject in the other fees in this rule, though there may be a significant number of small businesses affected.

There is, however, no economic impact on small business as this rule does not change any of the fees or penalties; it merely embeds those fees and penalties into a rule to comply with IC 4-22-2-19.6. The fees and penalties already exist in statute or otherwise and putting them in a rulemaking does not modify their application or the economic impact.

II. Justification Statement

As required by IC 4-22-2.1-5(4)(a), the following statement justifies any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law:

There are no costs being imposed as a result of the changes made in the proposed rule compared to existing requirements. These fees and penalties are unchanged by this rulemaking. This rulemaking does not add or increase any fee, fine or penalty. It is intended only to include the already existing applicable fees or penalties in a rulemaking to comply with IC § 4-22-2-19.6.

III. Regulatory Flexibility Analysis

As required by IC 4-22-2.1-5(5) and IC 4-22-2-28, this regulatory flexibility analysis considers whether there are alternative methods of achieving the purpose of the rule that are less costly or intrusive or would otherwise minimize the economic impact of the rule on small businesses. The analysis under this subdivision considers the following methods of minimizing the economic impact of the proposed rule on small businesses.

- (A) The establishment of less stringent compliance or reporting requirements for small businesses.
- (B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
- (C) The consolidation or simplification of compliance or reporting requirements for small businesses.
- (D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.
- (E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

There are no additional costs attributable to this rule as small businesses would already be subject to the penalties and fees in this rule. This rule merely includes the already existing applicable fees or penalties in a rulemaking to comply with IC § 4-22-2-19.6. Therefore, it is not feasible or advisable to modify the proposed regulations for small businesses or exempt them from the rule.