

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Final regulatory flexibility analysis not required. (Statement of determination required.)

The proposed rules implement the mandates imposed by 2007 Wisconsin Act 203. The Act establishes licensing requirements for businesses that fill propane gas cylinders. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-092

Rule No.: Comm 5.73

Relating to: Retail Liquefied Gas Suppliers

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

Telephone Number (608) 266-9292

1. Basis and purpose of the proposed rule.

The rules establish licenses and the licensing process for retail liquefied gas supplier as directed by 2007 Wisconsin Act 203. The licenses are needed to fill propane gas cylinders.

2. How the proposed rule advances relevant statutory goals or purposes.

The rules implement the statutory directives of 2007 Wisconsin Act 203.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes have occurred for the rule analysis or the fiscal estimate.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-092

RULE NO.: Comm 5.73

RELATING TO: Retail Liquefied Gas Suppliers

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. (608) 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

Clearinghouse Rule No. 08-092

Rule No.: Comm 5.73

Relating to: Retail Liquefied Gas Suppliers

5. Clarity, Grammar, Punctuation and Use of Plain Language

c. Section 5.73 (1) (b) establishes the limitations for the restricted license. The statutes and the rules do not established different “qualifications” for the two licenses; rather s. 101.16 (3) (b), Stats., establishes different financial obligations for the two licenses.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-092		Hearing Location: Madison	
Rule Number: Comm 5.73		Hearing Date: November 4, 2008	
Relating to: Retail Liquefied Gas Suppliers			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
speaker #1	Timothy Clay, Wisconsin Federation of Coops Madison	Supports the proposed rules that implement 2007 Wisconsin Act 203.	No response necessary.