

MEMORANDUM

TO: JOE HOOVER,  
CHIEF, RST DIVISION

THROUGH: ELLEN CARPENTER  
CHIEF, LEGAL DIVISION

FROM: DAWN R. GUTHRIE  
STAFF ATTORNEY, LEGAL DIVISION

DATE: MAY 1, 2007

RE: ANALYSIS OF PROPOSED CHANGES FOR  
REGULATION NO. 12 PURSUANT ACT 143 OF 2007

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Pursuant to ACT 143 OF 2007, a determination must be made whether or not the proposed rules will affect small business.

The proposed changes for Regulation No. 12 include the following:

- a. Implement and define the secondary containment requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005 ;
- b. Implement and define the delivery prohibition requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005.
- c. Clarification of when a cost, which has been denied reimbursement from the Trust Fund, may be appealed.
- d. Clarification of certain costs which are eligible for Trust Fund reimbursement.

These provisions may have an effect on small business. However, Act 143 of 2007 exempts from the required analysis rules that “substantially codify existing state or federal law.” Since each change proposed in this rulemaking codifies into the regulation new and existing state and federal law as outlined above, this rulemaking should be exempt from the analysis required in Act 143 of 2007.