

**MEMORANDUM**

TO: Angela Hawkins, Public Utilities Commission of Ohio

FROM: Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

DATE: April 5, 2016

RE: **CSI Review – Forfeiture and Compliance Orders (OAC § 4901:2-7-01 through 4901:2-7-05; 4901:2-7-07 through 4901:2-7-18; 4901:2-7-20 through 4901:2-7-22)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (R.C.) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in R.C. § 107.54.

Analysis

On December 21, 2015, the Public Utilities Commission of Ohio (PUCO) submitted a draft rule package consisting of 20 rules – 14 amended, 4 no-change, and 2 rescinded – to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on January 8, 2016 with no comments submitted.

The draft rule package consists of civil forfeiture and compliance rules for regulated entities including motor carriers, hazardous materials transporters, drivers, and shippers. The rules lay out the process for regulated entities to contest the violations for which they have been cited. Included are notice requirements, hearing procedures, and instructions for payment. According to the BIA, the rules meet a condition mandated by the Federal Motor Carrier Safety Assistance Program in order for Ohio to qualify for program funds.

PUCO states in the BIA that the rules do not adversely impact business. The CSI Office agrees with this assessment. The rules are procedural in nature and primarily apply to the Commission. The requirements regulated entities must follow and any possible penalties for non-compliance are not included. Therefore, since the rules do not impose an adverse impact on business as

enumerated in ORC § 107.52, they do not require CSI review before filing with the Joint Committee on Agency Rule Review.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Public Utilities Commission of Ohio should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office