

PUCO RESPONSE MEMORANDUM

To: Mark Hamlin
Director of Regulatory Policy
Ohio Lieutenant Governor's Office

From: Angela Hawkins
Legal Director
Public Utilities Commission of Ohio
Legal Department

Date: December 27, 2016

Re: PUCO Response – Emergency Rule 4901:2-5-02(C)

In Case No. 16-2182-TR-ORD, the Public Utilities Commission of Ohio (PUCO) determined that Ohio Adm.Code 4901:2-5-02(C) should be amended on an emergency basis, to change the date referenced in the rule from May 14, 2014, to November 9, 2016, in order to incorporate recent changes to the Federal Motor Carrier Safety Rules (FMCSR) relating to electronic log-in devices and standards for hours of service that went to effect on February 16, 2016. Because this rule references the FMCSRs in effect on May 14, 2014, the PUCO determined that it cannot presently enforce the most current FMCSRs.

In the 120-day time period during which the emergency rule is in effect, the PUCO initiated a rulemaking proceeding to consider adoption of the amendment to Ohio Adm.Code 4901:2-5-02(C) on a permanent basis. The Commission held a workshop on November 25, 2016, to enable interested stakeholders to offer proposed revisions. No one attended the workshop.

Following a formal comment period, during which no comments were filed, the PUCO issued a final Finding and Order on December 14, 2016, adopting the proposed rule. On December 19, 2016, CSI replied to the PUCO, finding that the PUCO met its statutory obligations while attempting to minimize the adverse impacts to business, stating that CSI had no recommendations, and concluding that the PUCO should proceed with formal filing of the rule package with the Joint Committee on Agency Rule Review (JCARR). In light of CSI's conclusion, the PUCO will proceed and file this rule with JCARR.

cc: Asim Z. Haque, Chairman, Public Utilities Commission of Ohio
Scott Farkas, Chief, Transportation Section, Public Utilities Commission of Ohio