

PUCO RESPONSE MEMORANDUM

To: Michael Bender
Business Advocate
Ohio Lieutenant Governor's Common Sense Initiative Office

From: Greta See
Chief of Transportation
Public Utilities Commission of Ohio

Date: October 5, 2023

Re: PUCO Response 23-693-TR-ORD (Amendment of Ohio Adm.Code 4901:2-5-02,
4901:2-13-02 and 4901:2-19-02)

By Entry issued August 23, 2023, in Case No. 23-693-TR-ORD, the Public Utilities Commission of Ohio (PUCO) adopted amendments to three rules on an emergency basis, Ohio Adm.Code 4901:2-5-02, 4901:2-13-02 and 4901:2-19-02, as well as initiated the nonemergency rule amendment process, in accordance with R.C. 111.15(B)(2). The August 23, 2023 Entry notified interested stakeholders of the amendments to the rules and directed any comments be filed by September 8, 2023. No comments were filed with the PUCO. The PUCO also notified Common Sense Initiative (CSI) of the initiation of the rule amendment process and by email on September 11, 2023, CSI informed the PUCO that no comments were present to CSI.

We propose the rule amendments to align state regulations with applicable federal regulations for motor carriers. The PUCO receives federal funding via a grant under the Motor Carrier Safety Assistance Program (MCSAP). To continue to be part of MCSAP, Ohio rules must be compatible with federal law. Consequently, the PUCO updates the effective date for the references to the provisions of the Code of Federal Regulation (C.F.R.), as reflected in Ohio Adm.Code 4901:2-05-02(C) and 4901:2-13-02(C). This rule amendment updates the reference from August 26, 2020, to August 25, 2023. Regarding Ohio Adm.Code 4901:2-19-02(E), the PUCO revises the effective date, from April 27, 2011, to April 26, 2022, for the references to the C.F.R. to align state requirements with current federal regulations applicable to transporters of household goods. These are the only rule revisions proposed.

By Finding and Order issued September 20, 2023, PUCO adopted the proposed amendments to Ohio Adm.Code 4901:2-5-02, 4901:2-13-02 and 4901:2-19-02. On October 5, 2023, the CSI Office replied to the PUCO, 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 the rule with JCARR.

We note that earlier this year, the PUCO completed its review of Ohio Adm.Code 4901:2-5-02, 4901:2-13-02 and 4901:2-19-02 for compliance with R.C. 111.15(B) and R.C. 106.03(A), which require state agencies to conduct a review of their rules every five years and R.C. 121.951(A)(1), which requires state agencies to reduce their total number of regulatory restrictions in Case No. 22-692-TR-ORD.

cc: Joseph Baker, Director, Common Sense Initiative Office
Jeffrey Jones, Legal Director, PUCO