

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request for Regulatory)
Relief from Hours of Service Regulations for) Case No. 07-151-TR-UNC
Intrastate Transportation of Heating Oil)
and Motor Fuels.)

ENTRY

The Commission finds:

- (1) Section 4901:2-5-05, Ohio Administrative Code, provides for regulatory relief from 49 C.F.R. Part 395, hours-of-service regulations, for motor carriers operating in intrastate commerce in this state when necessary, in times of emergency, to provide for the health and safety of the public. Pursuant to this authority the Commission adopted procedures to be followed in granting regulatory relief to intrastate motor carriers. The Policy for Regulatory Relief in Emergency Situations (Policy) provides that the Director of the Commission's Transportation Department may grant relief when the federal government has issued a notice granting relief to carriers in interstate commerce, or when there is a local emergency, or by an application of any association or individual carrier. Following the grant of regulatory relief, the Director is required to place the matter on the earliest possible Commission agenda for appropriate action.
- (2) On February 9, 2007, the Ohio Petroleum Marketers & Convenience Store Association (OPMCA) submitted an industry specific application for relief from regulatory requirements. The applicant cited extreme weather conditions, including extended periods of cold temperatures, combined with hazardous road conditions as reasons for their respective requests for relief. Additionally, there has been a spike in demand for heating oil and motor fuels.
- (3) Pursuant to his authority, Robert E. Marvin, Director of the Transportation Department of the Public Utilities Commission of Ohio, granted regulatory relief for hours-of-service requirements for the purpose of transporting heating oil and motor fuels only, effective February 9, 2007 and continuing only through February 17, 2007.

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- (4) After review of the Director's action, the Commission finds the relief granted is appropriate and it therefore affirms the Director's action.

It is, therefore,

ORDERED, That, pursuant to Rule 4901:2-5-05, Ohio Administrative Code, and the Policy for Regulatory Relief in Emergency Situations, the Commission affirms the limited grant of relief from hours-of-service regulations to intrastate carriers of heating oil and motor fuels only until February 17, 2007. It is, further,


ORDERED, That a copy of this Entry be served upon the Ohio Propane Gas Association.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones



Valerie A. Lemmie


Donald L. Mason

EW:sm

Entered in the Journal

FEB 14 2007


Renee J. Jenkins

Renee J. Jenkins
Secretary