

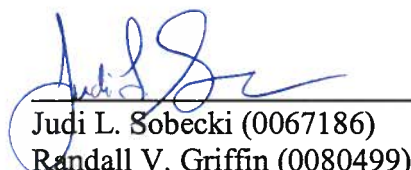
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Review of its Rules for Safety Standards)	
at Chapter 4901:2-5, Ohio Administrative)	Case No. 09-223-TR-ORD
Code.)	
)	

JOINT MOTION FOR EXTENSION OF COMMENT PERIOD

Pursuant to O.A.C. 4901-1-13, the Dayton Power and Light Company, Duke Energy Ohio, Inc., Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, Columbus Southern Power Company, Ohio Power Company, Columbia Gas of Ohio, the East Ohio Gas Company d/b/a Dominion East Ohio and Vectren Energy Delivery of Ohio, Inc., the Ohio Gas Company, AT&T Ohio, the Ohio Telecom Association for and on behalf of its members, and The Ohio Gas Association (collectively "Joint Movants") hereby jointly move for an extension of time in which to file comments on modifications to the rules in Chapter 4901:2-5 of the Ohio Administrative Code. Joint Movants respectfully request an additional thirty days, until September 20, 2010, in which to file comments. Good cause exists for this extension, which will permit Joint Movants sufficient time to analyze the proposed changes and formulate what Joint Movants anticipate to be a combined set of comments. This will ensure meaningful, well-reasoned comments consolidated into one document, which will help speed the Commission's review of the proposed rule changes. The reasons in support of this joint motion are more fully explained in the attached Memorandum.

Respectfully submitted,


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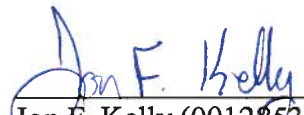
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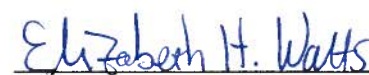
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MEMORANDUM IN SUPPORT

By entry dated March 5, 2008, in Case No.07-1095-TR-ORD, the Commission approved amendments to Chapter 4901:2-5, O.A.C. The revision to O.A.C. §4901:2-5-01 eliminated a long-standing exemption found in the definition of “motor vehicle,” which effectively removed utility fleet vehicles from the Commission’s safety jurisdiction. None of Joint Movants were served with notice of the proposed rule change, and in fact only recently learned of the removal of this exemption through discussions with other members of the utility industry.

By entry dated June 9, 2010, the Commission expressed surprise that none of Ohio’s traditional utilities commented on the proposed changes, because the rule would subject many previously unregulated operations to regulation. Consequently, the Commission declared that, until January 1, 2011, safety violations cited against carriers and drivers operating commercial motor vehicles between 10,001 and 26,000 gross vehicle weight (“GVR”) in intrastate commerce would not be assessed a penalty, except in limited circumstances. The Commission’s basis for this “transition period” was to allow it to provide education and outreach to newly affected drivers and motor carriers of the Commission’s rules.

Joint Movants filed applications for rehearing of the June 9, 2010 entry, all of which were denied by the Commission’s July 29, 2010 entry in Case 07-1095-TR-ORD. However, also in that entry, the Commission noted that it was currently reviewing changes to Chapter 4901:2-5, O.A.C., in compliance with Section 119.032 of the Revised Code, and directed that Joint Movants would be given the opportunity to comment on the proposed rule changes in Case No. 09-223-TR-ORD. By entry dated July 29, 2010 in

Case No. 09-223-TR-ORD, the Commission extended the comment period on proposed changes to Chapter 4905:2-5, O.A.C. until August 20, 2010.

Joint Movants respectfully request that the comment period be extended an additional thirty days—until September 20, 2010. This modest extension will permit the Joint Movants to fully analyze what the Commission acknowledges is an entirely new body of regulation to which traditional utilities have never been subject. This body of regulation is not insignificant in size and scope, and the sheer size of the task warrants additional time. In addition, the Joint Movants are optimistic that permitting this additional time will allow the group as a whole to develop consolidated comments. This will benefit the Commission and Staff reviewers as well, since as a practical matter, one combined set of comments—as opposed to multiple submissions—will facilitate the review process.

Finally, this extension will not create any delay relating to full implementation and enforcement of the new rules since the Commission has suspended enforcement of the new regulations, except in some limited circumstances, until January 1, 2011. Permitting additional time to allow the parties to educate themselves about the new regulations directly serves the Commission’s purpose underlying the transitional period adopted in the June 9, 2010 entry in Case No. 07-1095-TR-ORD.

WHEREFORE, for the foregoing reasons, good cause exists to extend the comment period on proposed changes to Chapter 4905:2-5, O.A.C, until September 20, 2010, and Joint Movants respectfully request an entry granting this extension request.


Respectfully submitted,



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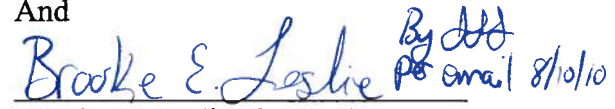
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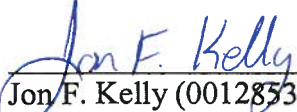
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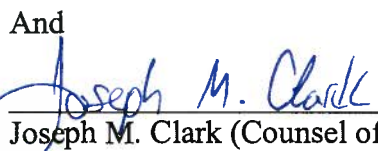
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Summary: Motion Joint Motion For Extension of Comment Period electronically filed by Ms. Jenna C. Johnson on behalf of The Dayton Power and Light Company