

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of the Rules for Household) Case No. 11-837-TR-ORD
Goods Transportation at Chapter 4901:2-)
19, Ohio Administrative Code.)

ENTRY

The Commission finds:

- (1) Section 119.032, Revised Code, requires all state agencies, every five years, to conduct a review of each of its rules and to determine whether to continue its rules without change, amend its rules, or rescind its rules. The current review date for the rules contained in Chapter 4901:2-19, Ohio Administrative Code (O.A.C.), is May 31, 2011. Chapter 4901:2-19, O.A.C., sets forth the requirements for the transportation of household goods.
- (2) Section 119.032(C), Revised Code, requires that the Commission determine:
 - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
 - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
 - (c) Whether the rule needs amendment to eliminate unnecessary paperwork; and
 - (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.
- (3) In addition, on January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost

of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.

- (4) By entry of March 2, 2011, the Commission requested that interested persons file comments by April 1, 2011, on proposed amendments to the Commission's rules governing the transportation of household goods, as found in Chapter 4901:2-19, O.A.C. Included in those proposed amendments, staff had proposed to incorporate 49 Code of Federal Regulations (C.F.R.) Sections 366, 370, 371, 373, 378, and 387. Upon further review, the staff of the Commission also recommends that Rule 4901:2-19-17, O.A.C., be amended to incorporate 49 C.F.R. Section 386. The addition of 49 C.F.R. Section 386 is intended to ensure that the Commission's enforcement of the consumer protection regulations applicable to brokers of interstate household goods carriers is consistent with the rules of the United States Department of Transportation.
- (5) The Commission requests comments from interested persons on the proposed rule attached to this entry. Comments should be filed in this docket, in writing, with the Commission's Docketing Division by June 3, 2011.

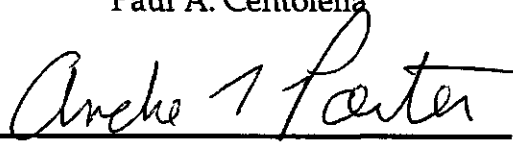
It is, therefore,

ORDERED, That comments on the attached rule be filed in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry and the attached rules be served upon all certified household goods carriers, Ohio Association of Movers, Ohio brokers of household goods as identified by the Federal Motor Carrier Safety Administration, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

Paul A. Centolella

Andre T. Porter

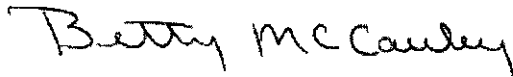

Steven D. Lesser

Cheryl L. Roberto

SEF/dah

Entered in the Journal

MAY 19 2011



Betty McCauley
Secretary

***** DRAFT – NOT FOR FILING *****

4901:2-19-17 Adoption of the consumer protection regulations of the United States department of transportation.

- (A) The commission hereby adopts the provisions of the consumer protection regulations of the U.S. department of transportation for the transportation of household goods in interstate commerce contained in 49 C.F.R. 366, 370, 371, 373, 375, 378, 386, and 387, unless specifically excluded or modified by a rule of this commission, that was effective on the date referenced in paragraph (~~EF~~) of rule 4901:2-19-02 of the Administrative Code. All household goods carriers operating in interstate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter.
- (B) All interstate household goods carriers shall operate in conformity with all applicable regulations of the U.S. department of transportation, which have been adopted by this commission, subject to any exemptions granted by the U.S. department of transportation. Violation of any such federal regulation by any interstate household goods carriers shall constitute a violation of this commission's rules.