

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Chapter 4901:2-21, Ohio) Case No. 11-1091-TR-ORD
Administrative Code.)

ENTRY NUNC PRO TUNC

The Commission finds:

- (1) On July 6, 2011, the Commission approved a finding and order adopting proposed changes to Chapter 4901:2-21, Ohio Administrative Code (O.A.C.). Among the new rules adopted was Rule 4901:2-21-03, O.A.C., regarding the Commission's requirements to obtain a Certificate of Public Convenience and Necessity.
- (2) More specifically, Rules 4901:2-21-03(B)(13)(f)(iv) and (v), O.A.C., refer to the level of insurance specified for certain hazardous materials carriers in the Code of Federal Regulations (C.F.R.). The rule inadvertently did not indicate the effective date of the applicable C.F.R. section, which is July 6, 2011. Accordingly, Rules 4901:2-21-03(B)(13)(f)(iv) and (v), O.A.C., should be corrected nunc pro tunc to indicate the effective date of the applicable C.F.R. section as July 6, 2011. In all other respects, the July 6, 2011, finding and order shall remain unchanged.

It is, therefore,

ORDERED, That the July 6, 2011, finding and order be corrected nunc pro tunc in accordance with finding (2). It is, further,

ORDERED, That a copy of this Entry Nunc Pro Tunc be served upon the Ohio Petroleum Marketers Association, the Ohio Trucking Association, National Tank Truck Carriers, Inc., Ohio Department of Transportation, Ohio State Highway Patrol, the Ohio Railroad Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



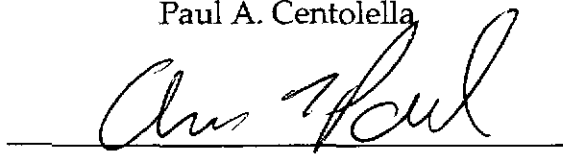
Todd A. Snitchler, Chairman



Paul A. Centolella



Steven D. Lesser



Andre T. Porter

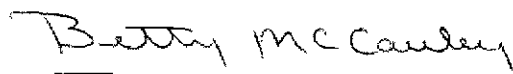


Cheryl L. Roberto

JML/dah

Entered in the Journal

AUG 03 2011,



Betty McCauley
Secretary

***** DRAFT – NOT FOR FILING *****

4901:2-21-03

Registration application.

(A) Before commencing operations in the state of Ohio a carrier must register with the public utilities commission of Ohio.

(B) To register with the commission, a carrier must complete and submit a registration application form promulgated by the commission containing the following information:

(1) Applicant's legal name and doing business as (D.B.A.), if applicable;

(2) Applicant's mailing address;

(3) Applicant's street address, if the location where records are kept is different from mailing address;

(4) Street address of principal place of business of applicant;

(5) Name of person to whom communications regarding the application should be directed;

(6) Title of person to whom communications regarding the application should be directed;

(7) Telephone number of person to whom communications regarding the application should be directed;

(8) Facsimile transmission number of person to whom communications regarding the application should be directed;

(9) Applicant's email address;

(10) Whether the applicant is a sole proprietorship, partnership, corporation, or otherwise;

(11) A certification, initialed by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant, containing the following statement: "I certify that, to the best of my knowledge, applicant is aware of and in compliance with all applicable state and federal laws, rules and regulations pertaining to motor carrier operations including but not limited to the federal motor carrier safety regulations; the federal hazardous materials regulations; and the state motor carrier regulations.";

(12) A certification by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant,

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containing the following statement: "I certify that, to the best of my knowledge and after due investigation, information contained in this application is true, accurate, and complete." The application shall be signed and dated by the responsible official certifying the application including the title and telephone number of the official;

(13) The type of motor carrier operation of the applicant, as defined by whether the applicant is:

(a) A transporter of property, using freight vehicles with a gross vehicle weight rating of ten thousand and one pounds or more, excluding carriers exclusively engaged in the transportation of household goods; or

(b) A transporter of property, using only freight vehicles with a gross vehicle weight rating of ten thousand pounds or less, excluding carriers exclusively engaged in the transportation of household goods or;

(c) A transporter of household goods; or

(d) A transporter of passengers; or

(e) A transporter engaged in the towing of motor vehicles; or

(f) A transporter of hazardous materials:

(i) In any quantity; or

(ii) In less than placardable quantities in vehicles with a gross vehicle weight rating of ten thousand pounds or less; or

(iii) In placardable quantities of hazardous materials in vehicles with a gross vehicle weight rating of ten thousand pounds or less; or

(iv) Requiring one million dollars in public liability and property damage insurance in accordance with 49 C.F.R. 387.9, as effective on July 6, 2011; or

(v) Requiring five million dollars in public liability and property damage insurance in accordance with 49 C.F.R. 387.9, as effective on July 6, 2011.