## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

$$
2017 \text { Jul l - } 7 \text { Ph } 3: 39
$$

In the Matter of the Commission's Review ) of Ohio Adm. Code Chapter 4901:2-24, ) Related to Rates for Towing, Storage and ) Retrieval of Motor Vehicles.

Case No. 17-0713-TR-ORD

## SUPPLEMENTAL WORKSHOP COMMENTS BY ASSOCIATION OF PROFESSIONAL TOWERS - OHIO

## I. INTRODUCTION

On April 21, 2017, Association of Professional Towers - Ohio ("APTO") participated in the Commission's workshop relating to towing and storage rates for vehicles towed pursuant to Ohio Revised Code sections 4513.60 and 4513.601 . At the workshop, the Commission encouraged those present to submit data to assist it in creating towing and storage rates. Accordingly, APTO submits the following to supplement its workshop testimony.

## II. DISCUSSION

Following the April 21 workshop, APTO asked its members to submit documentation demonstrating their costs associated with performing tows pursuant to R.C. $4513.60 \mathrm{and} /$ or 4513.601. The attached documents show one ${ }^{1}$ APTO member's costs, as well the number of tows it performed in 2016. The towing calculations include tows authorized by R.C. 4513.60 and/or 4513.601, as well as consensual tows authorized by vehicle owners.

According to the attached data, if the Commission apportions the company's costs across all of the tows it performed, the estimated cost per tow is $\$ 95.31$. We arrive at this calculation

\footnotetext{
${ }^{1}$ APTO received several submissions from its members; however, the data varied based upon company and market size. The company described herein is representative of a mid- to large-size towing company in one of Ohio's larger markets. To protect the company's privacy, APTO is producing its financial documents but withholding its identity.

by dividing the company's total expenses (cost of goods sold plus general expenses) of $\$ 2,220,494.15$ by the total number of tows it performed: 23,297 . Put another way, this towing company must receive an average of $\$ 95.31$ per tow just to break even. While this may be perceived as a rough measurement, it is the most accurate means of determining cost per tow; tows authorized by R.C. 4513.60 and/or 4513.601 are too variable to determine fixed, contextspecific estimates.

But, tows pursuant to R.C 4513.60 or 4513.601 are undoubtedly more expensive than consensual tows. Therefore, if the $\$ 95.31$ estimate is inaccurate, it is so because it fails to capture the additional costs and risks incurred in the tow-away zone and police-ordered tow contexts. For instance, as part of their contracts with land owners, towing companies are often required to create and maintain tow-away zone signage that is compliant with R.C. 4513.601. They are also required to search BMV records and provide multiple notices via certified mail every time a vehicle is towed and stored. These actions are unnecessary for consensual tows, and therefore the costs incurred as a result of these actions are attributable only to tows authorized by R.C. 4513.601 .

Additionally, both R.C. 4513.60 and 4513.601 limit a towing company to $50 \%$ of the applicable towing fee if the vehicle owner arrives before the vehicle is removed, even if the majority of the towing company's costs have been incurred. There is no such requirement with consensual tows. There is also little risk that a vehicle owner who agrees to a tow will abandon his or her vehicle, taking up valuable space in the towing company's storage lot, which happens frequently with vehicles towed pursuant to R.C. 4513.60 and/or 4513.601 . Finally, consensual tows are generally far less dangerous and significantly more predictable, meaning they can be completed in less time and typically without the need for special equipment.

As stated in AP'Y's previous submission, the Ohio General Assembly established a $\$ 90.00$ maximum removal fee for vehicles with a manufacturer's gross vehicle weight rating ("GVWR") Iess than or equal to 10,000 pounds in June of 2000 . It also established a $\$ 150.00$ maximum removal fee for vehicles with a GVWR exceeding 10,000 pounds that were also a truck, bus or combination of a commercial tractor trailer or semitrailer. Despite significant increascs in compliance and other costs, not to mention steady inflation, these maximums have not been adjusted for nearly two decades.

At an estimated cost of $\$ 95.31$ per tow, a company engaging solely in removing vehicles pursuant to R.C. 4513.60 and/or 4513.601 would likely lose money. Accordingly, APTO strongly encourages the Commission to adopt towing and storage rates that not only contemplate seventeen years of inflation, but also address the significant additional costs towing and storage entities incur so that they comply with statutory and regulatory requirements that simply did not exist seventeen years ago.

## III. CONCLUSION

APTO respectfully submits the foregoing for the Commission's consideration in the above-captioned matter. APTO representatives are available to assist the Commission as it prepares reasonable regulations relating to towing, storage and after-hours retrieval fees. You may contact APTO at (614)628-4464 or bcoulter@slk-law.com.
Respcctfully Submitted,
SHUMAKKER, LOOP \& KENDRICK, LLP
41 South Iligh Street, Suite 2400
Columbus, Ohio 43215
Phone:(614) 628-4464
Fax:(614) 463-1108
bcoulter@slk-law.com
Counsel for Association of Professional Towers -
Ohio

## APTO PRIVATE PROPERTY RATE COMMITTEE PUCO WORKSHOP RESPONSE

APTO will be responding to several questions from the PUCO Workshop last week. To prepare an effective response, please review the following questions and respond to the form below:

- Total number of 4513.601 tows (private tow-away zone) per month for 2016
- Total number of 4513.60 tows (police ordered from private property) per month for 2016;
- Total number of ALL tows per month for 2016;
- Amount of time estimated to complete average light, middle and heavy duty tow - start from the initial call through the initial paperwork;
- Five highest cost categories, broken down to \% of monthly cost, (Payroll, Insurance, Equipment, Fuel, Compliance)
- What is the difference between your consensual tow rate and non-consensual tow rate (PPI rate) and how do they compare/contrast
1.) Total number of 4513.601 tows (private tow-away zone) per month for 2016 , total number of 4513.60 tows (police ordered from private property) per month for 2016; and total number of ALL tows per month for 2016:

| PER MONTH IN 2016 | TOTAL \# OF 4513.601 <br> - PRIVATE TOW- <br> AWAY ZONE TOWS <br> PER MONTH IN 2016 | TOTAL \# OF 4513.60 - <br> POLICE ORDERED <br> FROM PRIVATE <br> PROPERTY PER <br> MONTH IN 2016 | TOTAL NUMBER OF ALL TOWS PER MONTH IN 2016 |
| :---: | :---: | :---: | :---: |
| JANUARY | 706 | 0 | 6967 |
| FEBREUARY | 696 | 0 | $\therefore 241$ |
| MARCH | 100 | 0 | 1910 |
| APRIL | 165 | 0 | 20.4 |
| MAY | 663 | 0 | 1725 |
| JUNE | 631 | 0 | 1853 |
| JULY | 477 | 0 | 2321 |
| AUGUST | 568 | 0 | 1875 |
| SEPTEMBER | 846 | 6 | 1767 |
| OCTOBER | 687 | 0 | 1746 |
| NOVEMBER | 727 | 0 | 1931 |
| DECEMBER | 534 | 0 | 1947 |

PROFIT AND LOSS
－

$\begin{array}{rr}197.596 .74 & \$ 2,074,800.47 \\ 3 \text { 9̊8́3．25 } & \$ 28,686.94\end{array}$ 3．98．25． $\$ 20.00$
 $\$ 14,478.46$ －
 $\$ 85,525.00$

$\$ 1,309.93$ | $\infty$ |
| :---: |
| $\stackrel{\infty}{\circ}$ |
| $\stackrel{9}{\infty}$ |
| $\stackrel{9}{\infty}$ |



 3.812 .42
22.067 .36 $\stackrel{\circ}{\circ}$

오웅令䍜
 $\$ 106,783.82$ \＄126，337．69 \＄186，671．11
 ©，9৫． 2 1．329．30 8．039．83 $\$ 42,062.78$ 5146，670．24 48688 － 5.743 .93 6.998 .22
109.96 1，224．30 2．528．00 $\$ 42,591.54$ $1,517.33$
$22,057.99$ 12，796．64 6.998 .22 1.404 .79 4．935．64 2，738．00
 696.56
696.56
16.319 .26 4.370 .34 6，998．22 1，314．30 3．089．11 $2,342.20$
$\$ 35,129.99$ $\begin{array}{llllll}\$ 115,842.72 & \$ 169,471.62 & \$ 121,655.82 & \$ 136,467.87 & \$ 168,096.11 & \$ 146,007.43\end{array}$ $\begin{array}{rr}3,993.95 & 1.357 .01 \\ 589.94 & 741.81 \\ \$ 32,841.09 & \$ 43,627.53\end{array}$
$1,329.30$
1.357 .01 470.13
$\mathbf{1 , 8 0 4 . 3 0}$ 3.510 .61 2．475．31 \＄48，317．34
$\$ 246.00$ DS622S









 | 8 |
| :--- |
| $\stackrel{0}{0}$ |
| $\stackrel{3}{i}$ |


 246.00


 279.27
2.655 .28


4，919．42
$-1,829.24$
$\stackrel{9}{\stackrel{\infty}{i}}$
芦


守 둔 27，228．13 $8,810.52$
$-1,829.24$
$\stackrel{\circ}{\circ}$ N（ $\bar{N}$
ल．
ले $\hat{\circ}$
$\stackrel{i}{2}$
ले
范 254.66
2.951 .00
 $7,885.21$
-1.722 .85 877.98 7，040．34 $\stackrel{0}{\circ}$
$\stackrel{0}{\circ}$
$\stackrel{\circ}{\circ}$
N oㅡㅇ

隹 $\frac{n}{\infty}$ $-12,157.40$ 5．582．02 $-2,391.67$
877.98 \％
 $\stackrel{\stackrel{\rightharpoonup}{\circ}}{\stackrel{i}{\circ}}$
呂 6，887．75 $-1,531.14$
877.98



2，4i4．98


 N $5,318.92$
$95,796.69$ 5，597．32

$\mathbf{1 , 5 3 1 . 1 4}$ 877.98 $\begin{array}{r}4.944 .16 \\ 354.13 \\ \hline 3.805\end{array}$ | $\stackrel{0}{\circ}$ |
| :--- |
| $\stackrel{\circ}{0}$ |
| 0 |
| 0 | $1,134.28$

$\mathbf{2}, 421.33$
 $\stackrel{\infty}{\circ}$ 둥 우N $5,078.97$
$93,161.69$ 2.061 .46 －1．531．14
877.98
 $\stackrel{\text { ल }}{ }$ $\stackrel{\stackrel{\leftrightarrow}{+}}{\stackrel{+}{\infty}}$
 ※

 $95,228.38$ 8.728 .95 $-1,531.14$ 877.98 9
0
0
0
0 른芯 1.446 .72
$\mathbf{5 4 1 . 1 7}$
 63，921．58
 7．531．34 629.10 5.068 .21 6，830．84 －1，484．29 877.98
$6,224.53$
774.71 2.825 .00
800.00 500.00
2.349 .93

|  | JA.N 2016 | FEB 2016 | MAR 2016 | APR 2016 | MAY 2016 | JUN 2016 | JUL 2016 | AUG 2016 | SEP 2016 | OCr 2016 | NOV 2016 | DEC 2016 | TOTAL |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 521 Equipment Lease | 441.95 | 32.00 |  | 441.95 |  |  | 441.95 |  | 441.95 |  |  |  | \$1.799.80 |
| 526 Gas, Electric \& Water | 1.849.20 | 2,537.01 | 1,344.36 | 1,150.81 | 972.74 | 861.64 | 956.45 | 986.23 | 1,784.22 | 1.402.24 | 278.13 | 742.29 | \$14,865.32 |
| 527 Trash Removal | 243.40 | 243.40 | 257.35 | 257.35 | 257.35 |  | 514.70 | 257.35 | 257.35 | 257.35 |  | 514.70 | \$3,060.30 |
| 529.00 Telephone - <br> Landlines | 1,532.12 | 1,440.36 | 1,348.15 | 951.09 | 1,712.45 | 1,288.07 | 1.356.44 | 1,367.70 | 1.428 .43 | 1,378.71 | 1.187.56 | 1,494.73 | \$16,485.81 |
| 529.01 internet Access | 396.50 | 396.50 | 389.00 | 672.42 | 456.55 | 449.05 | 456.83 | 449.33 | 449.33 | 449.11 | 448.93 | 448.93 | \$5.462.48 |
| 529.02 Mobile Phones | 3,860.97 | 3.251.08 | 2,417.81 | 2.478 .54 | 2.176.44 | 1.024 .28 | 2,124.51 |  | 2.317.06 | 26.46 | 3,924.46 | 1,147.42 | \$24,749.03 |
| 530 Building Materials \& Maintenanc | 274.82 |  | 45.99 |  | 68.39 | 99.47 |  | 191.31 | 291.36 |  |  | 157.11 | \$1,128.45 |
| 534 Adverising |  | 1,500.00 | 5.228 .23 | 167.00 | 168.18 | 1.400 .42 | 1.500.00 | 1,500.00 | t.525.00 | 1,525.00 | 1.500 .00 | 1,525.00 | \$17,538.83 |
| 53501 Insurance |  |  |  |  |  | 1.917 .00 |  |  |  |  |  |  | \$1,917.00 |
| 546 CAT Tax |  | 1.536.00 |  |  | 2.100.00 |  |  | 289.00 |  | 1,396.00 |  |  | \$5.321.00 |
| 548 Licenses and Permits | 2,227.00 |  | 2,000.00 | 2,000.00 | 155.00 | 2,840.00 | 60.00 | 2.000.00 | 2,000.00 | 227.00 | 2,000.00 | 9,491.50 | \$25.000.50 |
| 550 interest Expense | 741.72 | 650.35 | 2,258.03 | 829.98 | 1.203 .32 | 643.39 | 581.53 | 586.09 | 577.08 | 492.73 | 577.69 | 2.120 .43 | \$11,262.34 |
| 553 Damages |  | 456.53 | 82.56 |  |  |  |  | 391.14 | 1,635.00 |  | 2,145.63 | 2,000.00 | \$6.710.86 |
| 563 Protessional Fees | 887.50 | 100.00 | 2.388 .50 | 3,080.00 | 14,402.25 | 512.50 | 100.00 | 150.00 | 3.890 .50 | 150.00 | 50.00 | 2.280.00 | \$27,991.25 |
| 564 Accounting Fees | 503.00 | 503.00 | 503.00 | 503.00 | 1.191 .00 | 503.00 | 503.00 | 503.00 | 519.00 | 519.00 | 519.00 | 3.114.00 | \$9,383.00 |
| 566 Office Expense | 2.775 .99 | 856.65 | 2,040.69 |  | 941.90 | 401.09 | 3,898.22 | 126.94 | 329.68 | 7.246 .59 | 2,557.07 | 2,768.55 | \$23,943.37 |
| 575 Depreciation Expense | 8,449.40 | 8.449.40 | 8.449 .40 | 8,449.40 | 6,202.40 | 8.449 .40 | 8.449.40 | 8.449 .40 | 8,449.40 | 8.449 .40 | 8,449.40 |  | \$90.696.40 |
| 580 Dues \& Subscriptions | 200.00 |  |  |  | 400.00 |  |  | 600.00 |  |  | 1.668 .64 | 435.00 | \$3,303.64 |
| 583 Laundry \& Uniforms | 2.234.52 | 1.459 .50 | 1.591.82 | 2.002 .98 | 1,194.88 | 1.840 .41 | 1,592.77 | 1.678.10 | 1,930.00 | 1,747.01 | 1,650.52 | 1,663.47 | \$20.585.98 |
| 590 Contributions |  | 1.279 .25 | 675.00 | 250.00 | 100.00 |  | 2.500.00 | 50.00 |  | 45.00 | 350.00 | 43.50 | \$5,292.75 |
| 593 Bank Service Charges | 210.64 | 81.24 | 82.73 | 74.69 | 1.580 .68 | 40.36 | 129.06 | 115.40 | 617.97 | 495.70 | 331.36 | 401.21 | \$4,161.04 |
| 594 Merchant Fees | 1.653 .89 | 1,502.06 | 1.581.56 | 1.473 .63 | 1.925.12 | 1,291.55 | 1.651.45 | \$.338.45 | 1.303.60 | 1,723.26 | 1.344.47 | 884.23 | \$17,673.27 |
| 709 Parking Fees |  | 3.160 .00 | 1,849.00 |  | 3.332.85 |  |  |  |  |  | 5,272.61 |  | \$13,614.46 |
| 876 Property Tax | 4.210 .08 | 11.116.04 |  |  |  | 2.298 .26 | 11,116.04 |  |  |  |  |  | \$28.740.42 |
| Total Expenses | \$141,904.78 | \$145,414.38 | \$147,521.78 | \$123,206.44 | \$149,058.14 | \$135,266.84 | \$164,822.07 | \$124,251.89 | \$141,630.45 | \$126,204.21 | \$134,961.21 | \$182,499.71 | \$1,716,741.90 |
| NET OPERATING INCOME | \$-26,062.06 | \$24,057.24 | \$-25,865.96 | \$13,261.43 | \$19,037.97 | \$10,740.59 | \$-26,173.55 | \$-49.68 | \$5,039.79 | \$-19,420.39 | \$-8,623.52 | \$4,771.40 | \$-29,886.74 |
| OTHER INCOME 903 Gain on Sale of Assets |  |  |  |  |  |  |  |  |  |  | 2,000.00 |  | \$2.000.00 |
| 906 Sales Tax Discount | 63.81 | 65.10 | 82.46 | 74.31 | 72.50 | 59.84 | 73.08 | 56.12 | 55.66 | 74.64 | 90.20 |  | \$767.72 |
| 907 B.W.C. Refund |  |  |  |  |  |  |  |  | 27,192.49 |  | 647.85 |  | \$27.840.34 |
| 962 Other Income |  |  |  |  |  |  | 0.00 |  |  |  |  |  | \$0.00 |
| Total Other Income | \$63.81 | \$65.10 | \$82.46 | \$74.31 | \$72.50 | \$59.84 | \$73.08 | \$56.12 | \$27,248.15 | \$74.64 | \$2,738.05 | \$0.00 | \$30,608.06 |
| OTHER EXPENSES |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 955 Penalties \& Fines |  |  |  |  |  |  |  |  | 181.43 |  |  |  | \$181.43 |
| 960 Other Expenses |  |  |  | 0.00 |  |  |  |  | 0.00 |  |  | 528.00 | \$528.00 |
| Total Other Expenses | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$181.43 | \$0.00 | \$0.00 | \$528.00 | \$709.43 |
| NET OTHER INCOME | \$63.81 | \$65.10 | \$82.46 | \$74.31 | \$72.50 | \$59.84 | \$73.08 | \$56.12 | \$27,066.72 | \$74.64 | \$2,738.05 | \$ 5288.00 | \$29.898.63 |
| NET income | \$-25,998.25 | \$24,122.34 | \$-25,783.50 | \$13,335.74 | \$19,110.47 | \$10,800.43 | \$-26,100.47 | \$6.44 | \$32,106.51 | \$-19,345.75 | \$-5,885.47 | \$3,643.40 | \$11.89 |

