

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PROPER
PROCEDURES AND PROCESS FOR THE
COMMISSION'S OPERATION AND
PROCEEDINGS DURING THE DECLARED
STATE OF EMERGENCY AND RELATED
MATTERS.

CASE NO. 20-591-AU-UNC

ENTRY

Entered in the Journal on September 9, 2020

I. SUMMARY

{¶ 1} The Commission extends the waiver request for water transportation companies in order to mitigate risks associated with COVID-19 and to respond to recommendations or directives by local and state public health officials.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.04, the Commission is vested with the power and jurisdiction to regulate railroads and to promulgate and enforce all orders relating to the protection, welfare, and safety of railroad employees and the traveling public. Further, R.C. 4907.02 states that all duties required of a railroad are required and imposed upon water transportation companies and that the Commission has the power of supervision and control of water transportation companies to the same extent as the railroads.

{¶ 3} R.C. 4909.16 provides, in part, that, in the event of an emergency, when the Commission finds it necessary to prevent injury to the business or interests of the public or of any public utility, it may temporarily alter, amend, or suspend any existing rates or schedules.

{¶ 4} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19.

Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 5} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 6} On March 12, 2020, the Commission issued an Entry individually empowering the Chairman of the Commission to “act and make decisions on behalf of the full Commission that are necessary to address and mitigate the impacts of that emergency.”

{¶ 7} On July 3, 2020, the Chairman of the Commission issued a letter to each registered water transportation company in Ohio. Pursuant to R.C. 4905.04 and 4907.02, the Chairman granted the companies waivers from any and all obligations, provided such waivers are reasonably necessary to enable or accommodate responsible actions by the water transportation company to 1) adopt and implement protocols to mitigate COVID-19 risks; or 2) respond to recommendations or directives from State of Ohio or local public health authorities. Any waiver would remain effective until July 31, 2020, unless otherwise directed by the Chairman or the Commission.

{¶ 8} On July 29, 2020, the Commission ratified the directives from the Chairman’s July 3, 2020 letters and extended the waivers until August 31, 2020.

{¶ 9} On August 29, 2020, the Commission received requests from registered water transportation companies seeking to again extend the approved waivers. Thereafter, on

August 31, 2020, as the waivers were set to expire on that day, the attorney examiner temporarily extended the waivers in order to provide the Commission additional time to consider the request. The temporary extension was not to exceed two weeks unless otherwise addressed by the Commission.

{¶ 10} Upon review, the Commission recognizes that Ohio continues to be under a declared state of emergency due to the effects of COVID-19. The Commission finds any necessary waivers should be extended to October 31, 2020, for all registered water transportation companies, unless otherwise directed by the Commission.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the specified relief provided to water transportation companies be extended to October 31, 2020, in accordance with Paragraph 10. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all registered water transportation companies and upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

NJW/hac

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Case No(s). 20-0591-AU-UNC

Summary: Entry extending the waiver request for water transportation companies in order to mitigate risks associated with COVID-19 and to respond to recommendations or directives by local and state public health officials electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio