

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S  
REVIEW OF THE RULES IN OHIO ADM.CODE  
CHAPTERS 4901:2-05, 4901:2-07, 4901:2-08,  
4901:2-13, 4901:2-15, 4901:2-19, 4901:2-21,  
4901:2-22, 4901:2-23, 4901:2-24, 4901:3-01,  
AND 4901-5.

CASE No. 22-692-TR-ORD

## ENTRY NUNC PRO TUNC

Entered in the Journal on April 5, 2023

### I. SUMMARY

{¶ 1} In this Entry Nunc Pro Tunc, the Commission amends its November 2, 2022 Finding and Order regarding the promulgation of Ohio Adm.Code 4901:2-22.

### II. DISCUSSION

{¶ 2} On November 2, 2022, the Commission issued a Finding and Order in this case approving the adoption of proposed amendments to the captioned rule chapters pursuant to R.C. 111.15(B) and R.C. 106.03(A).

{¶ 3} Upon further review, we have determined that Ohio Adm.Code Chapter 4901:2-22 was inadvertently labeled as promulgated pursuant to R.C. 111.15, rather than R.C. 119.03. Accordingly, the Commission corrects its November 2, 2022 Finding and Order to state that Ohio Adm.Code Chapter 4901:2-22 was promulgated in accordance with R.C. 119.03. Moreover, this amendment addresses only the procedure by which the Commission reviews and formally adopts amendments to the rules in the chapter and files the rules with the appropriate entities. The rules in Ohio Adm.Code Chapter 4901:2-22, as adopted on November 2, 2022, are not being further revised as a result of this Entry. Accordingly, we find that this correction should be adopted without the need for further comment.

{¶ 4} Further, the Commission notes that Ohio Adm.Code Chapter 4901:2-22 is subject to the hearing requirements set forth under R.C. 119.03. R.C. 119.03 requires the agency to hold a public hearing, in which public notice must be given at least 30 days prior

to the date set for hearing. The hearing shall take place not earlier than the 31<sup>st</sup>, nor later than the 40<sup>th</sup> day after the proposed rule is filed with the Secretary of State and the director of the Legislative Service Commission (LSC). Further, the agency must make the proposed rule, amendment, or rescission available for at least 30 days prior to the hearing date.

{¶ 5} Finally, in accordance with R.C. Chapter 119, the Commission directs the attorney examiner to schedule a public hearing regarding Ohio Adm.Code Chapters 4901:2-22 by subsequent entry.

### III. ORDER

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That the November 2, 2022 Finding and Order be corrected nunc pro tunc as described herein. It is, further,

{¶ 8} ORDERED, That a copy of this Entry Nunc Pro Tunc be served upon the Common Sense Initiative at [CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov). It is, further,

{¶ 9} ORDERED, That the rules in Ohio Adm.Code 4901:2-22 be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and LSC. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be sent to the transportation industry service list. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon the Ohio Petroleum Marketers Association, National Tank Truck Carriers, Inc., Ohio State Highway Patrol, the Ohio Trucking Association, Ohio Department of Public Safety, Ohio Department of Transportation, Ohio Association of Chiefs of Police, Buckeye State Sheriff's Association, Ohio Association of Movers, Ohio Municipal League, County Commissioners' Association of Ohio, Ohio Township Association, WreckMaster Inc. USA, Towing and Recovery Association of America, North American Towing Academy, American Towing and

Recovery Institute, Ohio Insurance Institute, Towing and Recovery Association of Ohio, AAA Ohio, and all other interested persons of record.

**COMMISSIONERS:**

*Approving:*

Jenifer French, Chair  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

IMM/dr

**This foregoing document was electronically filed with the Public Utilities  
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**in**

**Case No(s). 22-0692-TR-ORD**

Summary: Entry Nunc Pro Tunc, the Commission amends its November 2, 2022 Finding and Order regarding the promulgation of Ohio Adm.Code 4901:2-22 electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio.