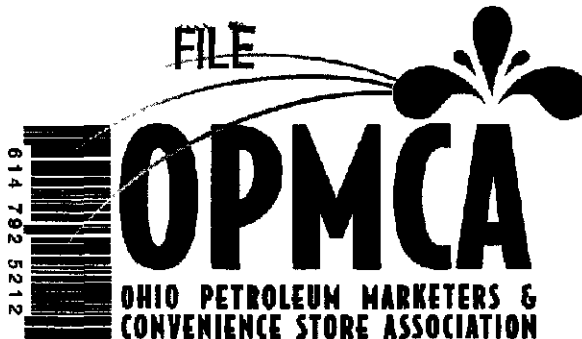


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PUCO



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MEMORANDUM

TO: Robert Marvin, Director, PUCO Transportation Department

FROM: Jennifer B. Rhoads, Esq.

CC: Roger F. Dreyer, OPMCA President
Dan Fisher, PUCO Transportation Department

DATE: February 9, 2007

RE: Industry- Specific Application for Regulatory Relief

Attached please find the *Industry-Specific Application for Regulatory Relief* of the Ohio Petroleum Marketers & Convenience Store Association (OPMCA). Should you require any additional information in order to evaluate this emergency request, please contact me at 614/792-5212 or at jrhoads@opmca.org.

I. The name, address, and telephone number, facsimile transmission number of the organization that has gathered the information for carriers in the State of Ohio:

Ohio Petroleum Marketers & Convenience Store Association (OPMCA)
4242 Tuller Rd. Suite B
Dublin, OH 43017
614/792-5212
614/792-1706 (fax)

II. The relationship of the above organization to the individual motor carriers:

The Ohio Petroleum Marketers & Convenience Store Association ("OPMCA") is a trade association for those who transport and market petroleum, including gasoline, diesel fuel, jet fuel, heating oil and other refined petroleum products. The OPMA is made up of jobbers, retail chains, convenience stores, truck stops and other business entities involved in the wholesale and retail sale of petroleum.

The OPMCA has been in existence since 1922. It has approximately 500 members which operate over 3,500 retail outlets and convenience stores, and employs over 15,000 Ohioans. OPMCA members market 62% of Ohio's motor fuel and 85% of Ohio's home heating fuel. OPMCA also has associate members that serve as contractors and suppliers of goods and services to the petroleum industry. The OPMCA exists to provide to its members and associate members advice, trade information, education, certification, group insurance plans, and governmental representation. The OPMCA is the primary source of information for its members on industry trends, activities, tax changes, legislation, and regulatory matters. The

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OPMCA is affiliated with a national confederation of petroleum marketers in Washington, D.C. called the Petroleum Marketers' Association of America.

III. The names, addresses, and telephone numbers, facsimile transmission numbers of the individual carriers surveyed:

Jim Doersam
Petron, Inc.
143 W. Water Street
PO Box 1971
Chillicothe, OH 45601
740/775-5500
740/773-3859 (fax)

Jeff Lykins
The Lykins Companies
5163 Wolfpen Pleasant Hill Rd
Milford, OH 45150
513/831-8820
513/831-4518 (fax)

John Skleres
O & P Oil & Gas, Inc.
P.O. Box 1298
Andover, OH 44003
440/293-6021
440/293-5807 (fax)

Kim Ullman
Ullman Oil Company
Box 23399
Chagrin Falls, OH 44023
440/543-5195
440/543-6549 (fax)

John Heyob
John Heyob Oil Company, Inc.
111 May Drive
Harrison, OH 45030
513/367-6868
513/367-6876 (fax)

Gary Armentrout
Allen Oil Company
PO Box 668
Steubenville, OH 43952
740/ 282-4531
740/282-6482 (fax)

Doug Beck
Beck Suppliers, Inc.
PO Box 808
Fremont, OH 43420
419/332-5527
419/332-3690 (fax)

Benjamin B. Englefield
Englefield Oil Company
447 James Parkway
Heath, OH 43056
740/928-8215
740/928-6137 (fax)

Tom Stephenson
Stephenson Oil
3938 Stillwell-Beckett Rd.
Hamilton, OH 45013
513/863-7080
513/863-7129 (fax)

Kent Witt
Hi-Grade Oil Company
102 South St., Po Box 87
Quincy, OH 43343-0087
937/585-4256
937/585-5502 (fax)

Frank Schafer
Schafer Oil Company
PO Box 13
9109 St. Rt. 66
Fort Loramie, OH 45845
937/295-2801
937/295-3768 (fax)

Harold Miller
Reliance Fuels
6025 Secor Road
Toledo, OH 43613
419/473-1374
419/473-8785 (fax)

IV. A brief statement explaining how the emergency has impacted operations and why regulatory relief is necessary for motor carriers is as follows:

Extreme weather conditions, including extended periods of cold temperatures combined with hazardous road conditions, have caused interruptions in the availability and/or delivery of residential and commercial heating oil across Ohio. Additionally, these extreme weather conditions, including extended periods of cold temperatures combined with hazardous road conditions, have caused interruptions in the availability and/or delivery of motor fuels across Ohio. In light of these circumstances, the Ohio Petroleum Marketers & Convenience Store Association ("OPMCA") requests that the Director of the Transportation Department of the Public Utilities Commission of Ohio (PUCO) grant industry-specific *temporary* regulatory relief, *not to exceed fourteen days*, from the "hours-of-service" regulations for motor carriers operating in intrastate commerce. The driver "hours of service" regulations will prohibit petroleum marketers from making required deliveries of heating oil as well as motor fuels across the Ohio unless regulatory relief is granted.

V. A certification that none of the motor carriers involved has an unsatisfactory safety rating from the Federal Highway Administration:

The Ohio Petroleum Marketers & Convenience Store Association ("OPMCA") certifies to the best of its knowledge that none of the motor carrier members of the Association have an unsatisfactory safety rating from the Federal Highway Administration.