

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of Chapters 4901:2-9 and 4901:2-15 of the) Case No. 14-1590-TR-ORD
Ohio Administrative Code.)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to R.C. 106.03 and R.C. 111.15 all state agencies are required to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. The Commission has established this docket to conduct an evaluation of the rules in Ohio Adm.Code Chapter 4901:2-9, which set forth the requirements for payment and crediting of fees for shipping radioactive material, and the rules in Ohio Adm.Code Chapter 4901:2-15, which set forth the requirements for interstate motor carrier registration.
- (2) R.C. 106.03(A) requires the Commission determine whether the rules:
 - (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted;
 - (b) Need amendment or rescission to give more flexibility at the local level;
 - (c) Need amendment or rescission to eliminate unnecessary paperwork;
 - (d) Incorporate a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by R.C. 121.74, and whether the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76;

- (e) Duplicate, overlap, or conflict with other rules;
 - (f) Have an adverse impact on businesses, as determined under R.C. 107.53; and,
 - (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive.
- (3) In addition, on January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative, unintended consequences, or unnecessarily impede business growth.
- (4) Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the BIA.
- (5) On October 21, 2014, the Commission held a workshop in this proceeding to enable interested stakeholders to propose revisions to the rules found in Ohio Adm.Code Chapters 4901:2-9 and 4901:2-15. One stakeholder from the Ohio State Highway Patrol was present at the workshop and had a question regarding Ohio Adm.Code Chapter 4901:2-9.
- (6) Staff evaluated the rules contained in Ohio Adm.Code Chapters 4901:2-9 and recommended that they be rescinded as the statutory authority under R.C. 4905.801 enabling these rules was rescinded. Staff also recommended that the rules

contained in Ohio Adm.Code Chapter 4901:2-15 be amended to: revise the definitions; include a purpose section; revise the registration requirements to be consistent with other provisions of the Ohio Administrative Code, the Code of Federal Regulations; and the Unified Carrier Registration Agreement, and to identify the procedures to be followed when a registered carrier changes its name, business address, or principal place of business.

- (7) On November 12, 2014, the Commission issued an Entry seeking comments on Staff's proposed amendments and sending Staff's recommended changes and the BIA to CSI for review and recommendations in accordance with R.C. 121.82. No comments were filed in response to the Entry.
- (8) Upon review, the Commission finds that Staff's recommendations are reasonable and should be adopted.
- (9) In making the determination required by R.C. 106.03(A), the Commission considered the matters set forth in the executive order and in R.C. 106.03(A) and 121.82, as well as the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules. With these factors in mind, and upon consideration of Staff's recommendations, the Commission concludes that Ohio Adm.Code Chapter 4901:2-9 should be rescinded; existing Ohio Adm.Code 4901:2-15-01, 4901:2-15-02, 4901:2-15-03, and 4901:2-15-04 should be rescinded; and new Ohio Adm.Code 4901:2-15-01, 4901:2-15-02, 4901:2-15-03, and 4901:2-15-04 should be adopted.
- (10) The rules are posted on the Commission's Docketing Information System (DIS) website at <http://dis.puc.state.oh.us/>. To minimize the expense of this proceeding, the Commission will serve a paper copy of this Finding and Order only. Interested persons are directed to input the case number 14-1590-TR-ORD into the Case Lookup Box to view the rules, as well as this Finding and Order, or to contact the Commission's Docketing Division to request a paper copy.

It is, therefore,

ORDERED, That Ohio Adm.Code Chapter 4901:2-9 be rescinded; existing Ohio Adm.Code 4901:2-15-01, 4901:2-15-02, 4901:2-15-03, and 4901:2-15-04 be rescinded; and new Ohio Adm.Code 4901:2-15-01, 4901:2-15-02, 4901:2-15-03, and 4901:2-15-04 should be adopted. It is, further,


ORDERED, That the rescinded and adopted rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with divisions (D) and (E) of R.C. 111.15. It is, further,

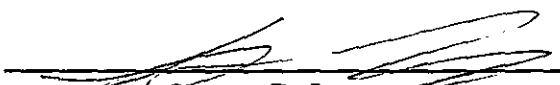
ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:2-13 shall be in compliance with R.C. 106.03. It is, further,

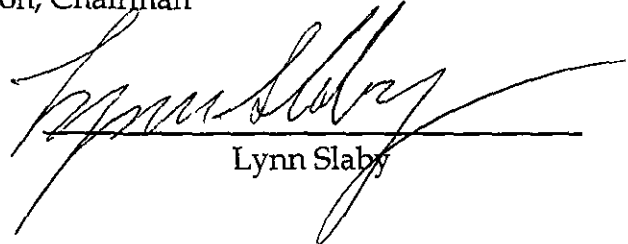
ORDERED, That a copy of this Finding and Order without the attached rules be served upon the Transportation list-serve. It is, further,

ORDERED, That a copy of this Finding and Order, without any attachments, be served upon the Ohio Petroleum Marketers Association, National Tank Truck Carriers, Inc., Ohio State Highway Patrol, the Ohio Trucking Association, Ohio Department of Health, Ohio Department of Public Safety, Ohio Department of Transportation, Ohio Farm Bureau, Ohio Emergency Management Agency, Ohio Association of Chiefs of Police, Buckeye State Sheriff's Association, Ohio State Firefighters Association, Ohio Fire Chief's Association, Ohio Association of Professional Fire Fighters, Ohio Municipal League, County Commissioners' Association of Ohio, Ohio Township Association, The Emergency Management Association of Ohio, U.S. Department of Energy, MDS Nordion, Steris Corporation, and all other interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

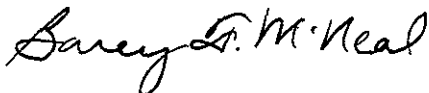

M. Beth Trombold


Asim Z. Haque

SEF/dah

Entered in the Journal

FEB 03 2015



Barcy F. McNeal
Secretary