

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 July 29, 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. A copy of the Chairman’s letter is attached to this Entry.

{¶ 8} On July 27, 2020, the president of Jet Express, a registered water transportation company, submitted a letter requesting an extension of the waivers until August 31, 2020. A copy of the letter is attached to this Entry.

{¶ 9} The Commission recognizes that Ohio continues to be under a declared state of emergency due to the effects of COVID-19. Thus, the Commission ratifies the directives from the Chairman's July 3, 2020 letters and further finds an extension of the waivers for water transportation companies is appropriate. Accordingly, the Commission finds any necessary waivers should be extended to August 31, 2020, for all registered water transportation companies, unless otherwise directed by the Commission.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the specified relief provided to water transportation companies by the Chairman's July 3, 2020 letters is hereby ratified and affirmed by the Commission. It is, further,

{¶ 12} ORDERED, That the specified relief provided to water transportation companies by the Chairman's July 3, 2020 letters and ratified and affirmed by the Commission herein be extended to August 31, 2020. 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



PUT-IN-BAY OFFICE
P.O. Box 69
239 Bayview Avenue
Put-in-Bay, Ohio 43456

PORT CLINTON OFFICE
ADMINISTRATION &
GROUP SALES
3 North Monroe Street
Port Clinton, Ohio 43452
419/732-2800
800/245-1538
FAX: 419/734-3707

www.jet-express.com

July 27th, 2020

Samuel C. Randazzo
Chairman
Public Utilities Commission of Ohio

RE: Extension of Relief from Ohio Public Utility Obligations of
Water Transportation Companies to Facilitate Responsible Efforts
to Mitigate COVID-19 Risks and Respond to Recommendations or
Directives by Local and State Public Health Authorities

Samuel,

I am writing to request an extension of your letter dated July 3rd,
2020 regarding the relief from public utilities duties or obligations.
Your current letter expires on July 31st, 2020. We are asking for an
extension of the current letter through August 31st, 2020.

Feel free to contact me at todd@jet-express.com or by phone at
419-262-7915.

Regards,

Todd Blumensaadt
President



Todd A. Blumensaadt

July 3, 2020

President

Ordinary Mail and E-Mail

Put-In-Bay Boat Line Company

237 Bayview Ave.

Put-in-Bay, Ohio 43456

todd@jet-express.com

**Re: Relief from Ohio Public Utility Obligations of Water
Transportation Companies to Facilitate Responsible
Efforts to Mitigate COVID-19 Risks and Respond to
Recommendations or Directives by Local and State
Public Health Authorities**

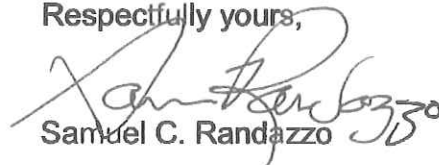
Dear Mr. Blumensaadt:

The purpose of this letter is to ensure that you understand that there is no good reason for any State of Ohio public utility duties or obligations to stand in the way of responsible efforts by water transportation companies to address COVID-19 risks and otherwise contribute to the efforts by state and local public health authorities to protect the public health.

As you know, Put-In-Bay Boat Line Company can modify and revise its published tariff for the purpose of mitigating COVID-19 risks by reasonably limiting trips, limiting the number of passengers, during the pendency of a public health emergency, limiting passenger traffic to island residents, requiring passengers to observe best practices or protocols directed at mitigating COVID-19 risks, requiring passengers to maintain safe distances or as otherwise may be reasonable to mitigate COVID-19 risks. The Public Utilities Commission of Ohio stands ready to receive such reasonable tariff modifications.

In the interim and pursuant to the authority vested in the Public Utilities Commission of Ohio by R.C. 4905.04 and 4907.02 as well as the authority delegated to me by the full Commission, I hereby issue to Put-In-Bay Boat Line Company any and all waivers from Ohio public utility duties or obligations provided such waivers are reasonably necessary to enable or accommodate responsible actions by Put-in-Bay Boat Line 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. Nothing herein authorizes any change of or modification to any rates and charges contained in the applicable published tariff; changes in rates and charges can be made pursuant to the procedure referenced in the above paragraph. These interim waivers shall remain effective until July 31, 2020 unless otherwise directed by myself or the full Public Utilities Commission of Ohio.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Samuel C. Randazzo", is written over the printed name.

Samuel C. Randazzo

Chairman

Public Utilities Commission of Ohio

Samuel.Randazzo@puco.ohio.gov

(614) 421-8951 (mobile)

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in

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 Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio