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# PUBLIC UTILITIES COMMISSION

## Telecommunications

### **Withdrawal or abandonment of basic local exchange service**

- Lifts the prohibition against an incumbent local exchange carrier withdrawing or abandoning basic local exchange service (BLES) in an exchange area if the carrier withdraws the interstate-access component of its BLES in accordance with an order of the Federal Communications Commission.
- Requires a carrier withdrawing or abandoning BLES to give 120 days' notice to the Public Utilities Commission of Ohio (PUCO) and affected customers.

### **Voice service for customers who petition the PUCO (or are identified)**

- Permits a residential customer who will be unable to obtain reasonable and comparatively priced voice service upon the withdrawal or abandonment of BLES to petition the PUCO to find a willing provider of such service, and permits a collaborative process at the PUCO to identify customers in similar positions.
- Permits the willing provider to use any technology or service arrangement to provide the voice service.
- Permits the PUCO to order the withdrawing or abandoning carrier to provide a reasonable and comparatively priced voice service to a customer described above for one year at the customer's residence if, after an investigation, no willing provider is identified.
- Permits the carrier subject to an order to provide the voice service using any technology or service arrangement.
- Permits the order described above to be extended for one additional year if no alternative reasonable and comparatively priced voice service is available, upon further evaluation.
- Permits the PUCO, at the end of the second year, to issue a new order under which the carrier must *continue* to provide a reasonable and comparatively priced voice service to the customer if no alternative reasonable and comparatively priced voice service is available.
- Permits a carrier subject to the new order to provide the voice service using any technology or service arrangement.



### **Transition to an Internet-protocol network**

- Requires the PUCO to use its appropriation in part to plan for the transition from the current public switched telephone network to an Internet-protocol network.
- Requires the PUCO to establish a collaborative process with incumbent and competitive local exchange carriers, the Office of the Ohio Consumers' Counsel, a representative of cable operators, and other invited members to focus on the Internet-protocol-network transition process and related consumer issues.

### **Carrier agreements, rights, and obligations not affected**

- Ensures that an incumbent local exchange carrier that withdraws or abandons BLES under the act would still be subject to the PUCO's oversight of the rates, terms, and conditions for carrier access, pole attachments, and conduit occupancy.
- States that the act does not affect any contractual obligation, including agreements under the federal Telecommunications Act of 1996, as amended, any right or obligation under federal law or rules, or certain state laws or rules related to wholesale rights or obligations.

### **Video service authorization**

- States that, for purposes of applying for a video service authorization, the video service area of a person using telecommunications facilities to provide video service is the geographic area in which the person offered BLES on September 24, 2007, rather than the geographic area in which the person *offers* BLES.

### **Percentage of Income Payment Plan**

- Requires the Director of Development Services to aggregate Percentage of Income Payment Plan (PIPP) program customers and hold an auction for their electric service.
- Requires the auction to result in the best value for universal service plan rider payers, rather than the lowest and best value for PIPP customers.
- Requires the auction to be held until the selection of a winning bid (or bids).
- Requires the winning bid (or bids) to reduce the cost of the PIPP program relative to the otherwise applicable standard service offer established under Ohio law.
- Eliminates the requirement that the Director adopt bidder eligibility rules.



- Eliminates the requirement that any difference between Universal Service Fund revenues and savings resulting from a competitive auction for the PIPP supply be reinvested in the Targeted Energy Efficiency and Weatherization Program.
- Requires the PUCO, upon written request by the Director of Development Services, to design, manage, and supervise the competitive procurement process for PIPP and requires the Director to reimburse the PUCO for costs it incurs.
- Requires the Public Benefits Advisory Board to submit a report to certain members of the General Assembly, the Governor, the Director of Development Services, the Chairperson of the PUCO, the Ohio Consumers' Counsel, and the board members by December 15, 2015, regarding funding for PIPP and other similar programs.

### **Intermodal equipment**

- Grants the PUCO the authority to regulate intermodal equipment providers and requires the PUCO to adopt rules with respect to the use and interchange of intermodal equipment (e.g. a semi-trailer transporting a ship container).
- Defines "intermodal equipment," "intermodal equipment provider," and related terms the same as those terms are defined in federal motor carrier safety rules.

### **Subpoena power – motor carriers**

- Broadens PUCO subpoena power, previously limited to the production of documents and other materials relating to hazardous materials transportation, by expanding its application to the production of all books, contracts, records, and documents relating to compliance with motor carrier law and rules.

### **Wind-farm setback**

- Creates an exception to the setback requirement for wind farms for an amendment to a certificate for a wind farm's construction if the amendment is applied for on or after September 29, 2015, but not later than March 27, 2016, if the sole purpose of the amendment is to make turbine upgrades, and if other requirements are met.

### **Natural gas company SiteOhio economic development projects**

- Permits a natural gas company to file an application with the PUCO for approval of an economic development project if the project has been submitted to (instead of, as former law required, certified by) the Director of Development Services for the SiteOhio certification program.



## **Towing Law changes**

- Modifies the monetary award that must be made in a civil action against a towing service or storage facility by limiting the consideration of prior violations to a one-year look back period.
- Modifies the prohibition against failure to display the certificate of public convenience and necessity number and business telephone number on the front doors of a towing vehicle to instead prohibit the failure to display that information on the sides of a towing vehicle.
- Authorizes the PUCO to adopt rules exempting certain types of advertising from the requirement that a towing service include its certificate of public convenience and necessity number on all advertising.

## **Telecommunications**

(R.C. 1332.25, 4905.71, 4927.01, 4927.02, 4927.07, 4927.10, 4927.101, 4927.11, and 4927.15; Sections 363.20, 363.30, and 749.10)

### **Withdrawal or abandonment of basic local exchange service**

The act lifts the prohibition against an incumbent local exchange carrier withdrawing or abandoning basic local exchange service (BLES) in an exchange area if:

- (1) The Federal Communications Commission (FCC) allows the carrier to withdraw the interstate-access component of its BLES;
- (2) The carrier withdraws that component in the exchange area; and
- (3) The carrier gives at least 120 days' prior notice to the Public Utilities Commission (PUCO) and to its affected customers.

Along the same lines, if (1) and (2) above occur and the notice requirement is met, the act will relieve the carrier of its carrier-of-last-resort obligation with regard to that exchange area. The carrier-of-last-resort obligation is the requirement that an incumbent local exchange carrier must provide BLES to all persons or entities in its service area requesting BLES.

Under continuing law, there are customer-service requirements for the provision of BLES, such as requirements for service installation and reliability. These requirements would not apply to a carrier's service in an exchange area where the carrier withdraws or abandons BLES under the act, since the requirements apply only



to the provision of BLES.<sup>138</sup> The act expressly states that any "voice service" to which customers are transitioned following the withdrawal of BLES is *not* BLES. Therefore, voice service would not be subject to any requirements governing BLES. "Voice service" is defined as including "all of the applicable functionalities" described in federal regulations and it "is not the same as" BLES. These regulations describe eligibility requirements for federal universal service support in rural, insular, and high-cost areas. The regulations require the provision of voice grade access to the public switched network or its functional equivalent, minutes of use for local service provided at no additional charge to end users, access to emergency service, and toll limitation services to qualifying low-income consumers.<sup>139</sup>

## **Terminology explained**

### **"Incumbent local exchange carrier" (ILEC)**

An incumbent local exchange carrier (commonly called an "ILEC") is, under continuing law, the local exchange carrier that, on February 8, 1996, (1) provided telephone exchange service in an area and (2) was deemed to be a member of the Exchange Carrier Association under federal regulations or, since February 8, 1996, became a successor or assign of a member of the Exchange Carrier Association.

### **"Interstate-access component"**

The act defines "interstate-access component" as the portion of carrier access that is within the jurisdiction of the FCC. "Carrier access" is defined under continuing law as access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

### **"Basic local exchange service"**

The act defines BLES as residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of such services over the primary access line of service, which in both cases are not bundled or packaged services, that enables the customer to originate or receive voice communications within a local service area as that area existed on September 13, 2010, or as that area is changed with the PUCO's approval. BLES includes services such as local dial tone service, flat-rate telephone exchange service (for residential end users), touch tone dialing service, access to and usage of 9-1-1 services, and other basic

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<sup>138</sup> R.C. 4927.08, not in the act.

<sup>139</sup> 47 C.F.R. 54.101(a).



services. As described above, voice service to which customers are transitioned following BLES withdrawal is excluded from the definition of BLES.

### **PUCO process for identifying providers of voice service**

If a residential customer receives notice of a BLES withdrawal or abandonment, and the customer will be unable to obtain "reasonable and comparatively priced" voice service upon the withdrawal or abandonment, the act permits the customer to petition the PUCO.

The act requires the PUCO to define "reasonable and comparatively priced voice service" to include service that provides voice grade access to the public switched network or its functional equivalent, access to 9-1-1, and that is **competitively priced, when considering all the alternatives in the marketplace and their functionalities**. The language in bold is the more crucial provision. The other language is arguably redundant because the act's definition of "voice service" already includes, through reference to federal regulations, voice grade access to the public switched network or its functional equivalent and access to emergency service (see "**Withdrawal or abandonment of basic local exchange service**," above).

The petition must be filed not later than 90 days prior to the effective date of the withdrawal or abandonment. The PUCO must then issue an order disposing of the petition not later than 90 days after the petition's filing. If the PUCO determines after an investigation that no reasonable and comparatively priced voice service will be available to the customer at the customer's residence, the PUCO must attempt to identify a willing provider of a reasonable and comparatively priced voice service. The willing provider may utilize any technology or service arrangement to provide the voice service.

### **ILECs may be ordered to provide voice service**

If no willing provider is identified under the process described above, the PUCO may order the withdrawing or abandoning ILEC to provide a reasonable and comparatively priced voice service to the customer at the customer's residence for 12 months. The ILEC may utilize any technology or service arrangement to provide the voice service.

The PUCO must evaluate, during any 12-month period in which an ILEC has been ordered to provide a reasonable and comparatively priced voice service, whether an alternative reasonable and comparatively priced voice service exists for the affected customer. If no alternative voice service is available, the PUCO may extend the order for an additional 12-month period.



## **ILECs may be ordered to continue to provide voice service**

After an ILEC has been ordered to provide voice service for 12 months and the order has been extended for an additional 12 months, the act permits the PUCO to order the ILEC to *continue* to provide a reasonable and comparatively priced voice service to the affected customer at the customer's residence under a new, distinct order. Under this new order, the ILEC would still be required to provide voice service using any technology or service arrangement. Similar to the original order, the new order may be issued if, at the end of the 12-month extension period, no alternative reasonable and comparatively priced voice service is available.

## **Collaborative process to address the network transition**

The act requires the PUCO, not later than December 28, 2015, to establish a collaborative process to address the Internet-protocol-network transition, with all of the following:

- ILECs;
- Any competitive local exchange carriers that provide BLES and are affected by the transition;
- The Office of the Ohio Consumers' Counsel;
- A representative of cable operators;
- At the invitation of the PUCO, other interested parties and members of the General Assembly.

The collaborative process must focus on the Internet-protocol-network transition processes underway at the FCC and the issues of universal connectivity, consumer protection, public safety, reliability, expanded availability of advanced services, affordability, and competition. The process must ensure that public education concerning the transition is thorough.

The process must include a review of the number and characteristics of BLES customers in Ohio, an evaluation of what alternatives are available to them, including both wireline and wireless alternatives, and the prospect for the availability of alternatives where none "currently" exist. The process must also embark on an education campaign plan for those customers' eventual transition to advanced services.

If the collaborative process identifies residential BLES customers who will be unable to obtain "voice service" upon the withdrawal or abandonment of basic local exchange service (the act does not use the phrase "reasonable and comparatively priced"



here), the PUCO may find those customers to be eligible for the process described above (see "**PUCO process for identifying providers of voice service**") regardless of whether they have filed petitions with the PUCO. The act states that any customers identified through the collaborative process must be treated as though they filed timely petitions under the act's provisions.

The collaborative process must, pursuant to the PUCO's rules, respect the confidentiality of any data shared with those involved in the process. The act also requires all state officers, boards, and commissions, and political subdivisions in Ohio to furnish data and information the PUCO requests to assist it in carrying out the collaborative process.

### **Transition to an Internet-protocol network**

The act requires the PUCO to use its appropriation for Utility and Railroad Regulation in part to plan for the transition, consistent with the directives and policies of the FCC, from the current public switched telephone network to an Internet-protocol network that will stimulate investment in the Internet-protocol network in Ohio and that will expand the availability of advanced telecommunications services to all Ohioans. The transition plan must include a review of statutes or rules that may prevent or delay an appropriate transition. The act requires the PUCO to report to the General Assembly on any further action required to be taken by the General Assembly to ensure a successful and timely transition.

### **Rulemaking**

The act requires the PUCO, not later than March 27, 2016, to adopt rules to implement the act's provisions related to the withdrawal or abandonment of BLES, and to bring its rules into conformity with the relevant provisions of the act. Rules adopted or amended must include provisions for reasonable customer notice of the steps to be taken during, and the actions resulting from, the transition plan described above (see "**Transition to an Internet-protocol network**"). Rules adopted or amended must be consistent with the FCC's rules.

If the PUCO fails to comply with these rule-making requirements before the FCC adopts an order permitting the withdrawal of the interstate-access component of BLES, the act states that any rule of the PUCO that is inconsistent with that order shall not be enforced.



## **Rights and obligations not affected by the act**

### **Contractual obligations and federal and wholesale rights and obligations**

The act states that it does not affect any contractual obligation, including agreements under the federal Telecommunications Act of 1996, as amended, any right or obligation under federal law or rules, or any state laws or rules under the Public Utilities Title of the Revised Code (Title 49) that are related to wholesale rights or obligations.

### **Carrier access, pole attachments, and conduit occupancy**

The act ensures that an ILEC that withdraws or abandons BLES under the act would still be subject to the PUCO's oversight of the rates, terms, and conditions for carrier access, pole attachments, and conduit occupancy. Prior law on this subject generally required that the rates, terms, and conditions for carrier access, pole attachments, and conduit occupancy, provided in Ohio by a telephone company *that is a public utility*, be approved and tarified as prescribed by the PUCO. The act adds that this requirement also applies when an ILEC provides carrier access, pole attachments, or conduit occupancy. The reason for the addition is that an ILEC is not a public utility with respect to its provision of certain advanced and newer services. So, if an ILEC were to withdraw or abandon BLES and instead provide only an advanced service, that ILEC would no longer be a public utility.

The act makes parallel changes in two other provisions of law governing pole attachments and conduit occupancy:

- The act requires ILECs, in addition to telephone companies that are public utilities, to permit pole attachments and conduit occupancy upon reasonable terms and conditions and the payment of reasonable charges.
- The act requires an ILEC, in addition to a telephone company that is a public utility, to obtain PUCO approval before withdrawing a tariff for pole attachments or conduit occupancy, or abandoning the service of providing pole attachments or conduit occupancy.

Finally, the act states that its provisions related to the withdrawal or abandonment of BLES do not affect carrier-access requirements under Ohio law, or rights or obligations under Ohio law governing pole attachments and conduit occupancy.

### **Video service authorizations**

The act states that, for purposes of applying for a video service authorization, the video service area of a person using telecommunications facilities to provide video



service is the geographic area in which the person offered BLES on September 24, 2007, rather than the geographic area in which the person *offers* BLES.

## Percentage of Income Payment Plan

(R.C. 4928.54, 4928.541, 4928.542, 4928.543, 4928.544, 4928.55, 4928.581, 4928.582, and 4928.583)

### PIPP aggregation and auction

The act makes the following changes to the method of procuring electric service under the Percentage of Income Payment Plan (PIPP) program established in Ohio law. The PIPP program, funded by the Universal Service Fund Rider charged to retail electric distribution customers, allows certain low income customers to pay a percentage of their household income rather than the actual bill for residential electric service.<sup>140</sup>

Subject	The act	Former law
<b>Aggregation and Auction</b>	Requires the Director of Development Services to aggregate PIPP program customers for purposes of a competitive procurement process (competitive auction) for the supply of reliable competitive retail electric service to such customers.	<b>Permitted</b> , instead of required, the aggregation and competitive auction.  Provided that the auction was for the supply of reliable competitive retail electric <b>generation</b> service.
<b>Auction length</b>	Requires the auction to be held until a winning bid is or bids are selected.	No provision.
<b>Value of winning bid or bids</b>	Requires the winning bid or bids to result in the best value for persons paying the universal service rider (retail electric distribution customers).	Provided that the auction objective was to result in the winning bid providing retail electric generation service at the lowest cost and best value to PIPP customers.
<b>Reduce PIPP costs</b>	Requires the winning bid or bids to reduce the cost of the PIPP program relative to the otherwise applicable standard service offer established under ongoing Ohio law.	No provision.
<b>Mandatory bidder eligibility rules</b>	No provision (repeals the former law requirement).	Required bidders to be qualified under eligibility criteria the Director of Development Services prescribed by rule under the Administrative

<sup>140</sup> O.A.C. 122:5-3-01; R.C. 4928.53, not in the act.



Subject	The act	Former law
		Procedure Act. Required the rules to be adopted after consultation with the Public Utilities Commission and electric light companies.
<b>Reinvestment of Universal Service Fund revenues</b>	No provision (repeals the former law requirement).	Required any difference between Universal Service Fund revenues and savings in PIPP program costs after a competitive auction for electric supply for PIPP customers to be reinvested in the Targeted Energy Efficiency and Weatherization Program, which targets high-cost, high-volume structures occupied by customers eligible for PIPP.

### **PUCO competitive procurement process responsibilities**

Upon written request of the Director of Development Services and to facilitate compliance with the process, the PUCO must design, manage, and supervise the competitive procurement process that the act requires for PIPP. The competitive procurement process may be designed based on an existing competitive procurement process to establish the default generation supply price for electric distribution utilities (EDUs) to the extent reasonably possible and to minimize costs. Under the act, the process may include a process design that is based on a competitive procurement process for the combined certified territories of EDUs subject to common ownership.

The Director must reimburse the PUCO for its costs incurred for the process, and the reimbursements are considered to be administrative costs of the low-income customer assistance programs (including PIPP) eligible for payment from the Universal Service Fund.<sup>141</sup>

### **Advisory board investigation and report**

The act requires the ongoing 21-member Public Benefits Advisory Board<sup>142</sup> to conduct an independent investigation and analysis of, and prepare a written report on, funding issues involving the Universal Service Fund and the low-income customer assistance programs. To accomplish this, the Board may obtain professional services as it determines appropriate, and the professionals must be promptly reimbursed for their actual and necessary expenses by the Director of Development Services.

<sup>141</sup> R.C. 4928.51(A), not in the act.

<sup>142</sup> R.C. 4928.58(A), not in the act.



Reimbursements are considered to be administrative costs of the low-income customer assistance programs (including PIPP) eligible for payment from the Universal Service Fund.<sup>143</sup> The act permits the Board chairperson to execute any professional-services retention agreements that the Board determines are appropriate, but specifies that this be done subject to the advice and consent of the Board.

### **Report**

The Board's report must be prepared with the approval of the majority of its 13 voting members<sup>144</sup> and must contain the following:

- For each EDU, the annual revenue amount collected from customers, for each year since the year the Universal Service Fund was established, for the purpose of supporting the Fund and the low-income customer assistance programs;
- For each EDU, a forecast of the revenue that will be collected from customers for 2016, 2017, and 2018 for the purpose of supporting the Fund and the low-income customer assistance programs assuming no changes are made to the programs;
- A recommendation as to any changes that should be made to the design and implementation of the Universal Service Fund and the low-income customer assistance programs to ensure that energy services are provided to low-income and other Ohio consumers in an affordable manner consistent with the state electric service policy.<sup>145</sup>

As required by the act, the forecast included in the report must identify all assumptions, input variables, and the values assigned to the variables. To show how sensitive the forecasts are to alternative inputs, the forecast may include alternative outcomes based on variations in the assumptions, variables, and values. The report may also include dissenting views and alternative recommendations.

The act specifies that the Director of Development Services, the PUCO, and each EDU must promptly respond to requests by the Board for information needed to prepare its report.

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<sup>143</sup> R.C. 4928.51(A), not in the act.

<sup>144</sup> R.C. 4928.58(D), not in the act.

<sup>145</sup> R.C. 4928.02, not in the act.



By December 15, 2015, the Board must submit its report to the Governor, President of the Senate, Speaker of the House, each member of the House and Senate standing committees with primary jurisdiction regarding public utility legislation, the Director of Development Services, the chairperson of the PUCO, the Ohio Consumers' Counsel, and each member of the Board.

## **Intermodal equipment**

(R.C. 4905.81, 4923.04, and 4923.041)

### **Providers**

The act expressly authorizes the PUCO to regulate the safety of operation of each intermodal equipment provider, in addition to regulating the safety of operation of each motor carrier as required in continuing law. Though not explained in the act, intermodal equipment is generally considered equipment for combination transport where the freight is not handled when it changes modes of transport. A semi-trailer transporting a ship container would be an example.

### **Rules**

The act also requires the PUCO to adopt rules with respect to the use and interchange of intermodal equipment.

### **Definitions**

"Intermodal equipment," "intermodal equipment provider," and related terms are based on the same definitions in the act as those terms have in federal rules. Intermodal equipment means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. An intermodal equipment provider is any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment. Interchange is the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider. Interchange does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations.<sup>146</sup>

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<sup>146</sup> 49 C.F.R. 390.5.



## **Subpoena power – motor carriers**

The act broadens the PUCO's subpoena power relating to motor carriers. Under the act, the PUCO may issue a subpoena to compel the production of all books, contracts, records, and documents that relate to compliance with the state's motor carrier laws and rules. Prior law limited the power to compelling the production of all books, contracts, records, and documents that related to the transportation and offering for transportation of hazardous materials.

## **Wind-farm setback**

(Section 749.20)

The act creates an exception to the setback requirement for the construction of wind farms. The exception is narrowly tailored to amendments to previously approved certificates for wind-farm construction only if all of the following conditions are satisfied:

- The person seeking the amendment applies to make the amendment on or after September 29, 2015, but not later than March 27, 2016.
- The sole purpose of the amendment is to make changes to one or more turbines that are approved under the existing certificate but have not yet been installed.
- The amendment does not increase the number of turbines to be installed under the existing certificate.
- The type of turbine to be installed is more efficient or otherwise more technologically advanced, as determined by the Power Siting Board, than the type planned to be installed under the existing certificate.
- The type of turbine to be installed is not more than 8% taller, as measured from its base to the tip of its highest blade, than the height of the type of turbine, measured in the same manner, that is approved to be installed under the existing certificate.
- The amendment applies to a wind farm that is obligated by contract to provide wind energy to one mercantile customer that consumes at least seven million kilowatt-hours per year.
- The turbine or turbines to be installed will be installed in the same spot where it is or they are approved to be installed under the existing certificate.



If all of the conditions are met, the act prescribes that the setback requirement that applies to the existing certificate also applies to the amendment to that certificate.

Both the act's exception and the setback under continuing law apply to any wind farm that is designed for, or capable of, operation at an aggregate capacity of at least five megawatts.<sup>147</sup>

## **Natural gas company SiteOhio economic development projects**

(R.C. 4929.164)

The act specifies that a natural gas company may apply to the PUCO for approval of an economic development project that has been *submitted to* the Director of Development Services for the SiteOhio certification program. Former law permitted an application for PUCO approval of such a project, if it was *certified by* the Director. Infrastructure development costs of approved economic development projects are paid for by an infrastructure development rider approved by the PUCO under ongoing law.<sup>148</sup>

As specified in ongoing law, the purpose of the SiteOhio certification program is to "certify and market" eligible projects in Ohio. An eligible project is one that, upon completion, will be primarily intended for commercial, industrial, or manufacturing use and does not include projects intended primarily for residential, retail, or government use. The Director of Development Services sets criteria for certification of a SiteOhio project by rule.<sup>149</sup>

## **Towing Law changes**

### **Monetary awards in a civil action**

(R.C. 4513.611)

The act modifies the law governing monetary awards under a civil action against a towing service or storage facility for a violation of specified provisions of the Towing Law. If a court determines in such a civil action that a towing service or storage facility has committed a violation, the court must make a monetary award to the vehicle owner as follows:

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<sup>147</sup> R.C. 4906.13, 4906.20, and 4906.201, not in the act.

<sup>148</sup> R.C. 4929.161, not in the act.

<sup>149</sup> R.C. 122.9511, not in the act.



- \$1,000, if the towing service or storage facility has not committed any prior violations within one year of the violation;
- \$2,500, if there was one prior violation within one year;
- \$2,500, if there were two prior violations within one year.

### **Display of certificate number**

(R.C. 4513.67)

The act modifies the prohibition against operating a towing vehicle or permitting the operation of a towing vehicle that does not display specified information by requiring the PUCO certificate of public convenience and necessity number and business telephone number to be displayed on both the left and right sides (rather than the front doors) of the towing vehicle.

The act also authorizes the PUCO to adopt rules exempting a towing service from the continuing requirement that the towing service include its certificate of public convenience and necessity number on all advertising if the size or nature of the advertisement makes it unreasonable to add a certificate number.

