

Gelnett, Wanda B.

From: Smith, James M.
Sent: Tuesday, April 05, 2011 3:00 PM
To: Everyone
Subject: FW: Withdrawal of Final Rulemaking Streamlining Rate Increase Procedures for Small Motor Carriers (57-267)

Importance: High

Withdrawal of final regulation #2825.

From: Screven, David
Sent: Tuesday, April 05, 2011 2:14 PM
To: 'jsmith@irrc.state.pa'
Cc: 'Jheffern@pasen.gov'; 'rgodshal@pahousegop.com'; 'sdefrank@pasenate.com'; 'jpreston@pahouse.net'; 'wshearer@pahouse.net'
Subject: Withdrawal of Final Rulemaking Streamlining Rate Increase Procedures for Small Motor Carriers (57-267)
Importance: High

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Mr. Smith:

Per our telephonic conversation, the PUC has decided to withdraw the final rulemaking that streamlines the rate procedures for small motor passenger carriers at L-2008-2057661/57-267. Based upon our discussion, the PUC is withdrawing the final rulemaking in order to clarify 52 Pa. Code § 23.69 which involves the one year stay-out provision. We are amending this provision so that it is consistent with the section of the Preamble that discusses the stay-out provision. In the body of the Preamble, we specifically stated that "a small passenger carrier who utilizes the streamlined rate process and is granted a rate increase, could request another rate increase previous to the expiration of the one-year stay out provision *by filing a general rate increase* that complies with the provisions of 66 Pa. C.S. § 1308, and 52 Pa. Code §§ 2361 to 23.64." See p. 6 of the *Final Rulemaking Order*. We are clarifying § 23.69 in order to re-affirm this position. Accordingly, we are amending § 23.69 to read as follows:

§ 23.69. Stay-out provision

A small passenger carrier will not be permitted to request another increase in rates or operating revenues UNDER SECTION 23.68 from the Commission for 1 year following a prior Commission approved rate increase UNDER SECTION 23.68. A small passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating revenue that is 93% or above, shall be excepted from this 1 year stay-out restriction.

The new language is in ALL CAPS. This is not a substantive change to the final rulemaking. We are informing all small motor passengers carriers of this clarification via a Secretarial letter and then re-submitting the revised final rulemaking to IRRC's for its review. If you have any further questions, please contact me. Thanks.

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