




**National Rural Electric
Cooperative Association**

A Touchstone Energy® Cooperative 

December 15, 2011

The Honorable Anne S. Ferro, Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

**Re: Edison Electric Institute Request for Waiver from Final Rule in
Docket No. FMCSA-2010-0096: Drivers of CMVs: Restricting the Use
of Cellular Phones**

Dear Administrator Ferro:

On behalf of the National Rural Electric Cooperative Association ("NRECA"), I write to support the above captioned Request for Waiver filed pursuant to 49 C.F.R. Part 381, Subpart B, by the Edison Electric Institute ("EEI") on December 14, 2011. EEI requests a waiver for a period of three months from the Final Rule's effective date of January 3, 2012.

By way of background, NRECA is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to approximately 42 million consumers in 47 states or twelve percent of the nation's population.

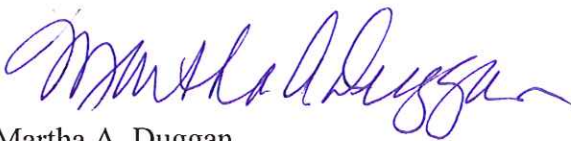
To be clear, NRECA supports the Final Rule as an important step in increasing highway safety in the United States. But, we do agree with EEI that additional time is needed for implementation of the Final Rule. The vast majority of NRECA's members are "small" as defined under the Small Business Regulatory Enforcement Fairness Act (SBREFA). As small businesses, the burden of regulatory compliance falls more heavily on them than it does on larger enterprises.

Additional time is needed to allow NRECA's member cooperatives to provide information and training to staff, and to assess whether additional or different communications devices are required by the Final Rule. Given the challenges of limited coverage and differing degrees of latency of communications networks in rural America, our members use a variety of communications devices to dispatch, report, record field data, and provide emergency restoration services to customers. Some of our members' field workers carry both cellular phones and radios in order to be able to be in communication with home offices as well as with remotely located customers. Our members will need to assess how to implement the ban on hand held equipment and if the Final Rule requires ordering new equipment.

Finally, NRECA is concerned that the January 3, 2012 effective date does not provide sufficient time to enforcement authorities to establish appropriate processes to enforce the new rule. As EEI points out in its petition, enforcement agencies may require training on which devices are covered by the rule, and which are not in order to minimize the possibility of inappropriate citation and risk to the driver's Commercial Driver's License.

In conclusion, we reiterate our support for the Federal Motor Carrier Safety Agency's important work in improving the safety of the nation's highways by minimizing distracted driving. We support EEI's Petition for Waiver in order to allow electric cooperatives (and enforcement agencies) sufficient time to properly implement the Final Rule.

Respectfully Submitted,



Martha A. Duggan
Senior Principal, Regulatory Affairs

cc: Hon. Larry W. Minor, Assistant Administrator