

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of USF Holland Inc., : Case No. 07-787-TR-CVF
Notice of Apparent Violation and : (OH0841004440C)
Intent to Assess Forfeiture. :

SETTLEMENT AGREEMENT

I. Introduction

In accordance with Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), USF Holland Inc., (Respondent), and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this Settlement Agreement to resolve the issues in this case.

It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the Respondent's and the Staff's desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff urge the Commission to adopt all the terms of this Settlement Agreement.

In the event the Commission modifies or rejects any term of the Settlement Agreement, such that the parties believe this agreement to be materially changed, each party shall have the right, within thirty days of the Commission's order, to file an application for rehearing. Upon the Commission's issuance of an entry on rehearing

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that does not adopt the Stipulation in its entirety without material modification, any party shall have the right within fifteen days of the Commission's order on rehearing to file a second application for rehearing that gives notice of termination or withdrawal of the Settlement Agreement. Upon notice of termination or withdrawal by either party, pursuant to the above provisions, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if this Settlement Agreement had never been executed.

II. Procedural History

- A. On May 15, 2006, Respondent's vehicle was stopped and inspected by Staff of the Department of Public Safety. During the course of the inspection the Inspector cited the carrier for failing to secure cargo under 49 C.F.R. 392.9(a)(1). As a result of the violation discovered, the Respondent was assessed a \$100.00 civil forfeiture by the Compliance Division.
- B. Commission Staff timely served Respondent with a notice of preliminary determination in accordance with Rule 4901:2-07-12 of the O.A.C. for Case No. OH0841004440C.
- C. Respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13 of the O.A.C.
- D. The parties have negotiated this Settlement Agreement which the parties believe resolves all the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The parties hereto agree and recommend that the Commission find as follows:

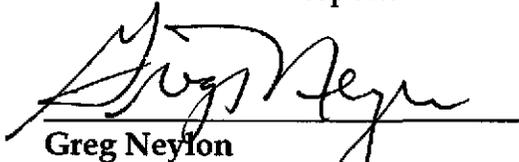
- A. The Commission Staff and Respondent agree to amend the citation to failing to comply with the general requirements for securing articles of cargo under 49 C.F.R. 393.106(b). The Commission Staff and Respondent agree that Respondent does not contest the citation as amended. The Commission Staff and Respondent agree that no *civil forfeiture will be assessed for the amended citation of failing to comply with the general requirements of securing articles of cargo.*
- B. For purposes of settlement, and not as an admission or evidence that the violation above occurred, Respondent agrees that the amended citation for failing to comply with the general requirements of securing articles of cargo may be included in the Respondent's Safety-Net record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.
- C. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting the Settlement Agreement shall be considered the effective date of the Settlement Agreement.
- D. This Settlement Agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any affect whatsoever in any other case or proceeding.

IV. Conclusion

This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties. The Signatory parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt it. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

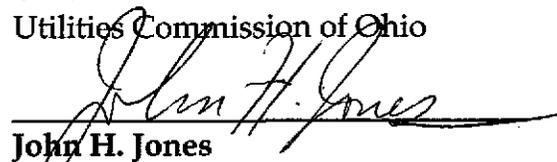
The parties have manifested their consent to the Settlement Agreement by affixing their signatures below on this 14 day of August, 2007.

On behalf of the Respondent



Greg Neylon
Chemical Transportation Administrator
For Respondent
USF Holland Inc.
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On behalf of the Staff of the Public
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