

2

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of )  
Special Fuel Service, Inc., for an ) Case No. 07-780-TR-CVF  
Administrative Hearing. )

FINDING AND ORDER

The Commission finds:

- (1) On May 31, 2007, Special Fuel Services, Inc., (Respondent) was served with a notice of preliminary determination in accordance with Rule 4901:1-2-7-12, Ohio Administrative Code (O.A.C.). In the notice of preliminary determination, the Commission Staff proposed a forfeiture of \$1,550.00 for alleged violation of the hazardous materials packaging requirements of the Hazardous Materials Regulations, 49 C.F.R. Parts 171-180, as adopted by this Commission, and for failure to file an application for a hazardous materials uniform permit as required by Rule 4901:2-6-14(A), O.A.C.
- (2) On July 3, 2007, Respondent filed a request for an administrative hearing regarding the notice of preliminary determination issued by the Staff.
- (3) On October 24, 2007, the Staff and the Respondent filed a settlement agreement in this case. Among the terms of the settlement agreement, the Respondent agrees to make payment of a civil forfeiture of \$1,300.00. In addition, the settlement agreement notes that Respondent filed its application for a hazardous materials uniform permit on August 2, 2007. The settlement agreement resolves all factual and legal issues in this case.
- (4) Rules 4901-1-30 and 4901:2-7-11, O.A.C., authorize parties to these proceedings to enter into stipulations and settlement agreements. Although not binding upon the Commission, stipulations are entitled to careful scrutiny and consideration, particularly where all parties have joined together in the stipulation. See, *Cincinnati Gas and Electric Company*, Case No. 76-302-EL-AIR (Opinion and Order dated May 4, 1977). The settlement agreement entered into between the Staff and

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician Tm Date Processed 3/5/2008

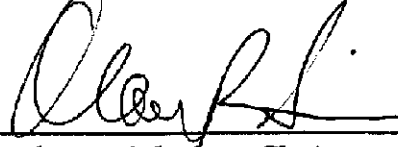
Respondent represents a fair and equitable settlement of this matter and should be approved and adopted by the Commission.

It is, therefore,

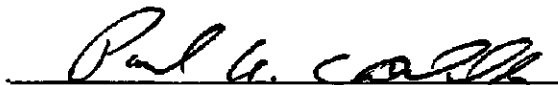
ORDERED, That the terms and conditions of the settlement agreement entered into between the Staff and Respondent be approved and adopted by this Finding and Order. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record.

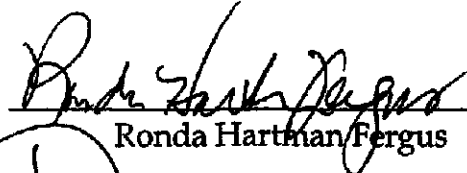
THE PUBLIC UTILITIES COMMISSION OF OHIO



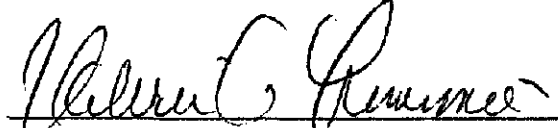
Alan R. Schriber, Chairman



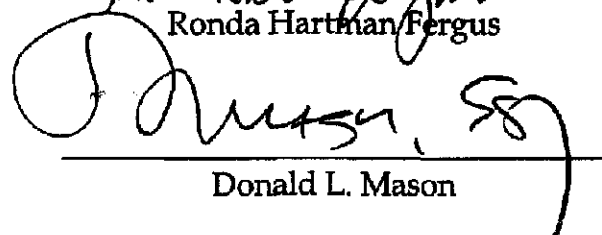
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

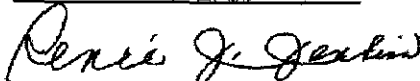


Donald L. Mason

GAP:ct

Entered in the Journal

MAR 5 2008



Renee J. Jenkins  
Secretary