## **BEFORE**

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Settlement Agreement	)	
between the Public Utilities Commission of	)	Case No. 08-797-TR-CVF
Ohio and Contract Transportation Systems Co.	)	
	)	

## FINDING AND ORDER

The Commission finds:

- (1) Sections 4919.79 and 4921.04, Revised Code, authorize the Commission to adopt safety rules applicable to interstate and intrastate highway transportation and the offering for transportation of hazardous materials. Pursuant to this authority, the Commission adopted in Rule 4901:2-5-02, Ohio Administrative Code (O.A.C.), the provisions of the Federal Motor Carrier Safety Regulations and Hazardous Material Regulations of the U.S. Department of Transportation contained in Title 49, Parts 40, 382, 383, 385, 387, 390 through 397, and Parts 171 through 180, Code of Federal Regulations (CFR). Sections 4905.83, 4919.99 and 4921.99, Revised Code, authorize the Commission to assess forfeitures against any person who violates these rules. Pursuant to this authority, the Commission adopted the civil forfeiture and compliance proceeding rules contained in Rules 4901:2-7-01 through 4901:2-7-22, O.A.C. This action is brought pursuant to those rules and regulations.
- (2) On November 13, 2007, Staff conducted a compliance review of a facility operated by Contract Transportation Systems Co. (Contract Transportation, Respondent) located at Cleveland, Ohio.
- (3) During the compliance review, Staff discovered apparent violations of the CFR, including:

49 CFR § 395.8(e) False reports of records of duty status. \$10,300.00

(4) Respondent requested a conference pursuant to Rule 4901:2-7-10, O.A.C. The matter was discussed and the Respondent had a full opportunity to present any evidence that the violations did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture and any other information relevant to the action proposed to be taken by Staff.

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(5) As a result of this conference, Staff and Respondent entered into a settlement agreement to resolve this case. Among the terms of the settlement agreement, the Respondent agreed to make payment of a civil forfeiture of \$8240.00 within 30 days after the effective date of this settlement agreement.

- (6) Rule 4901:2-7-11(C), O.A.C., provides that settlement agreements providing for the payment of civil forfeitures of one thousand dollars or more for any violation shall not be effective until approved by and made the order of the Commission.
- (7) The settlement agreement entered into between Staff and Respondent represents an equitable settlement of the 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 Staff and Contract Transportation Systems Co. be approved and adopted by the Commission by this Finding and Order. It is, further,

ORDERED, That Contract Transportation Systems Co. pay a total civil forfeiture of \$8240.00, with such payment due within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 13<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Contract Transportation Systems Co., is directed to write the case number on the face of the check. It is, further,

ORDERED, That the Commission's Docketing Division serve a copy of this Finding and Order on Contract Transportation Systems Co.

## THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schribe	r, Chairman
Paul G. CRIR	Rod Sant Dugar
Paul A. Centolella	Ronda Hartman Fergus
alderer A. François	
Valerie A. Lemmie	Cheryl L. Roberto

REM:js

Entered in the Journal

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Reneé J. Jenkins Secretary