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2009 SEP 15 AM 10:27

September 14, 2009

PUCO

Via Federal Express

The Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, 13th Floor
Columbus, Ohio 43215-3793

09-806-TR-CVF

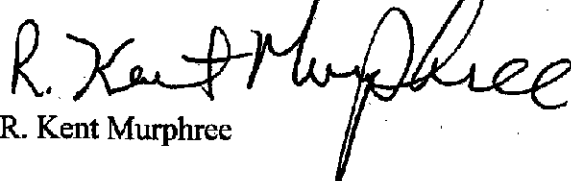
Re: Request for Administrative Hearing
Case No.: OH0838003118C
Respondent: Miller Brothers Construction, Inc.
1613 S. Defiance Street
Archbold, Ohio 43502

Dear Sir or Madam:

This office represents Miller Brothers Construction, Inc. ("Miller Brothers") with regard to the above referenced matter. Please accept this correspondence as Miller Brothers' Request for Administrative Hearing being submitted pursuant to OAC 4901:2-7-13. Attached is a copy of the "Notice of Preliminary Determination" received in connection herewith.

Please direct all future communications related to this matter to the undersigned and please feel free to contact us with any questions, comments or concerns.

Very truly yours,


R. Kent Murphree

/rkm

Enclosure

cc: Sean Galliger
Ann M. McCauley, Esq.
M-295-10

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1 ALSO ADMITTED IN MICHIGAN

RICHARD H. PETERS
(1920-2002)
HARLEY A. WATKINS
(1902-1979)

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The Public Utilities Commission of Ohio

*Monitoring marketplaces and enforcing rules to assure safe,
adequate and reliable utility services.*

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

AUGUST 17, 2009

MRS ANN MCCAULEY
MILLER BROS CONST INC
405 MADISON AVENUE
SUITE 1900
TOLEDO, OH 43604

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH0838003118C
Officer: CS

Dear MRS MCCAULEY:

On September 10, 2008, a vehicle operated by MILLER BROS CONST INC, and driven by THOMAS C VONIER, was inspected within the State of Ohio. As the result of discovery of the following apparent violation the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
392.9A1	Failing to secure cargo as specified in 49 CFR 393

Total Forfeiture Assessed : \$100.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)



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MRS ANN MCCAULEY
MILLER BROS CONST INC
OH0838003118C

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against MILLER BROS CONST INC in the following forfeiture:

Code	Violation
392.9A1	Failing to secure cargo as specified in 49 CFR 393

Total Forfeiture Agreed : \$100.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 13th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio