

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of: :
FST Express. : Case No. 09-971-TR-CVF

- - -

PROCEEDINGS

before Kerry Sheets, Hearing Examiner, at the Public
Utilities Commission of Ohio, 180 East Broad Street,
Room 11-D, Columbus, Ohio, called at 10:00 a.m. on
Thursday, April 22, 2010.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Ohio**Public Utilities
Commission**Transportation Department
Phone: (614) 466-0429
Fax: (614) 752-9274Report Number: OH3219300919
Inspection Date: 7/16/2009 Certification Date: 07/30/2009
Time Started: 10:30 Time Ended: 12:01
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk & Non-Bulk InspectionFST EXPRESS INC
2040 ATLAS ST
COLUMBUS, OH 43228-9645
Phone #: (614)529-7900
USDOT #: 506489
State #:Fax #:
MC/MX #: 245149Driver: TAYLOR, DENNIS D
License #: RT463228 State: OH
Date of Birth: 12/29/1967Location: WADSWORTH SCALES
Highway: IR76
County: MEDINA
Shipper: GIVAUDAN FLAVORS CORPMilePost: 5
Origin: EAST HANOVER, NJ
Destination: MENLO PARK, CABill of Lading: 601356
Cargo: HAZ MAT (ALL)**VEHICLE IDENTIFICATION:**

Unit	Type	Make	Year	State	License#	Company #	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.#
1	TT	FRHT	2000	OH	PUM3112	672T	...6657	0			NONE
2	ST	GDAN	2004	ME	1171252	53774	...2836	0			

BRAKE ADJUSTMENTS: No brake measurements recorded.**VIOLATIONS :**

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify*	Crash	Violation Description
172.331		2	N	N		N	N	Markings for other bulk packages-(shipper)-4 Bulk totes of UN1993 inside van trailer, but no ID # markings displayed on transport vehicle.
177.823(a)		2	Y	N		A	N	No markings when required-(carrier)-see above.
177.817(e)		1	N	N		N	N	Shipping paper accessibility-Non-HM shipping paper on top of stack of HM papers which were not tabbed.
172.201(c)		1	N	N		N	N	Failure to list a notation specifying the total number of pages included in the shipping paper-(shipper)-For Shipper No. 245405 (Pro # 601356).
172.201(c)		1	N	N		N	N	Failure to list a notation specifying the total number of pages included in the shipping paper-(shipper)-For Shipper No. 245855 (Pro # 601370).
172.202(a)(3)		1	N	N		N	N	No ID number or PG. listed on SP No. 245557 (Pro # 601378). (shipper)-also Failure to list a notation specifying the total number of pages included in the SP.
177.817(a)		1	N	N		N	N	Improper shipping papers (carrier)-see above for Shipper No. 245405 (Pro # 601356).
177.817(a)		1	N	N		N	N	Improper shipping papers (carrier)-see above for Shipper No. 245855 (Pro # 601370).
177.817(a)		1	N	N		N	N	Improper shipping papers (carrier)-see above for SP No. 245557 (Pro # 601378)
393.9(a)		1	N	N		N	N	Inoperable required lamp-Right front side tractor marker light inop. (on side of square turn signal lamp).

* N - Non-OOS or Driver OOS Violation; A - Repaired at Scene

HazMat: 3 Combustible Liquid.

Placard: Yes Cargo Tank:

Special Checks:
☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement

☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

☐ Post Crash Inspection
☐ PBBT Inspection
 Arrests:
Inspection Notes:

STAFF EX. 1

Report Prepared By:

N Hedrick

Badge #:

3219

Copy Received By:

TAYLOR, DENNIS D

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission

Transportation Department
Phone: (614) 468-0429
Fax: (614) 752-9274

Report Number: OH3219300919
Inspection Date: 7/16/2009 Certification Date: 07/30/2009
Time Started: 10:30 Time Ended: 12:01
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk & Non-Bulk Inspection

FST EXPRESS INC
2040 ATLAS ST
COLUMBUS, OH 43228-9845

Phone #: (614)529-7900

USDOT #: 506489

State #:

Fax #:

MC/MX #: 245149

Driver: TAYLOR, DENNIS D
License #: RT463228 State: OH
Date of Birth: 12/29/1967

Special Study Fields:

Special Study1:BP

Special Study2:

Special Study3:

Special Study4:

Special Study5:

Special Study6:

Special Study7:

Special Study8:

Special Study9:

Special Study10:

Locally Defined Fields:

Loaded by Carrier (Y/N): N

Ship Docs Prep by Carrier(Y/N): N

Haz Class A: 3

Packing Group A: III

Haz Class B: 3

Packing Group B: III

For-Hire Carrier: Y

Driver City: GROVE CITY

Driver Zip: 43123

Reason Code: HINT

CDL Verified (Y/N): Y

HM Safety Permit Verified(Y/N): N

Loaded by Shipper (Y/N): Y

Ship Doc Prep by Shipper(Y/N): Y

ID # A: UN1197

Gross Weight A: 23008 LBS

ID # B: UN1993

Gross Weight B: 10190 LBS

Driver Address: 6066 LONDON GROVEPORT RD

Driver State: OH

Photos Taken (Y/N): Y

FMCSA Credentials Verified-Y/N: Y

FMCSA OOS Order Issued(Y/N): N

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio-TASD; 180 E. Broad St.; Columbus, Oh; 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Title: _____ Date: _____

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:

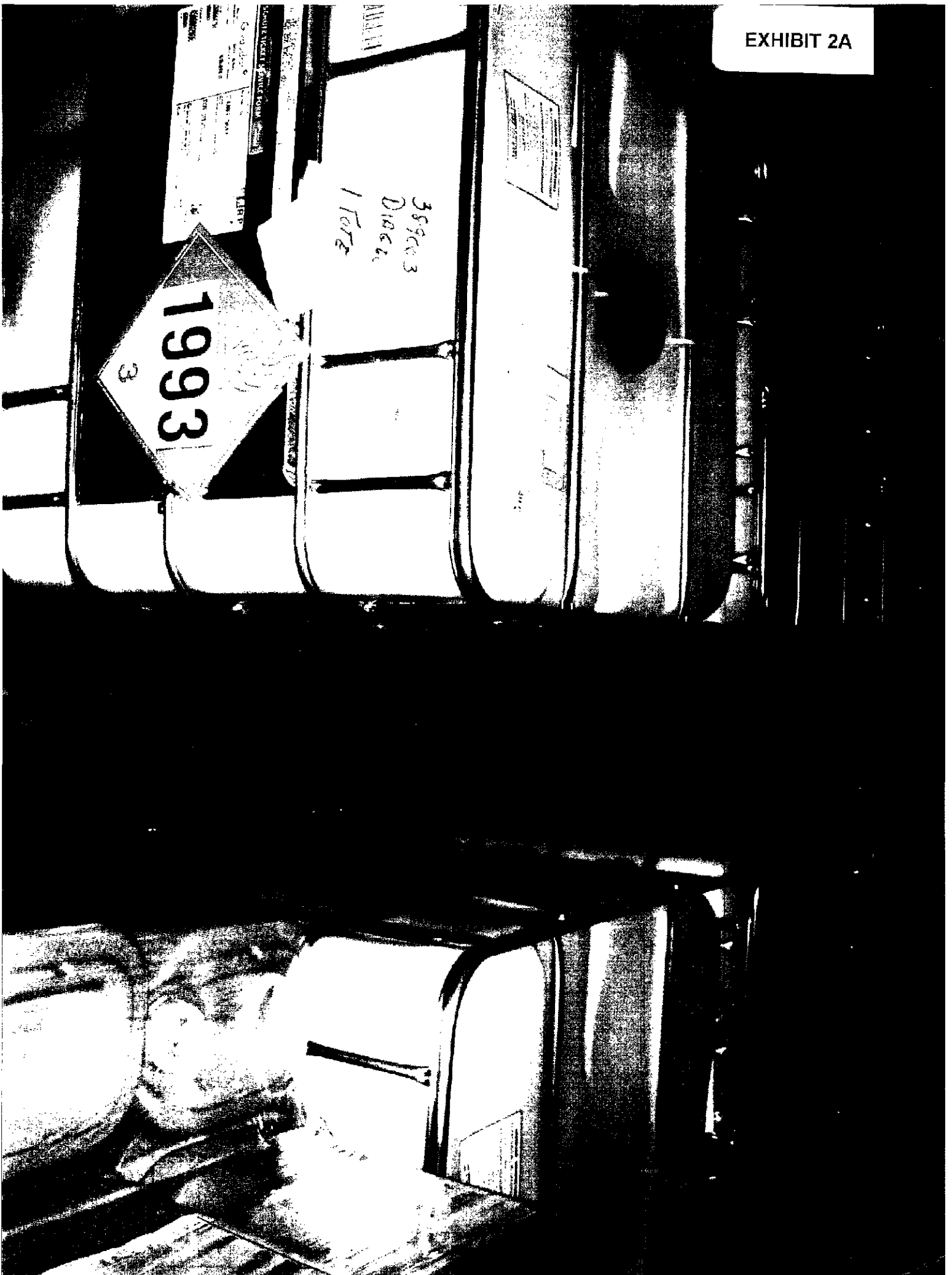
N Hedrick

Badge #:

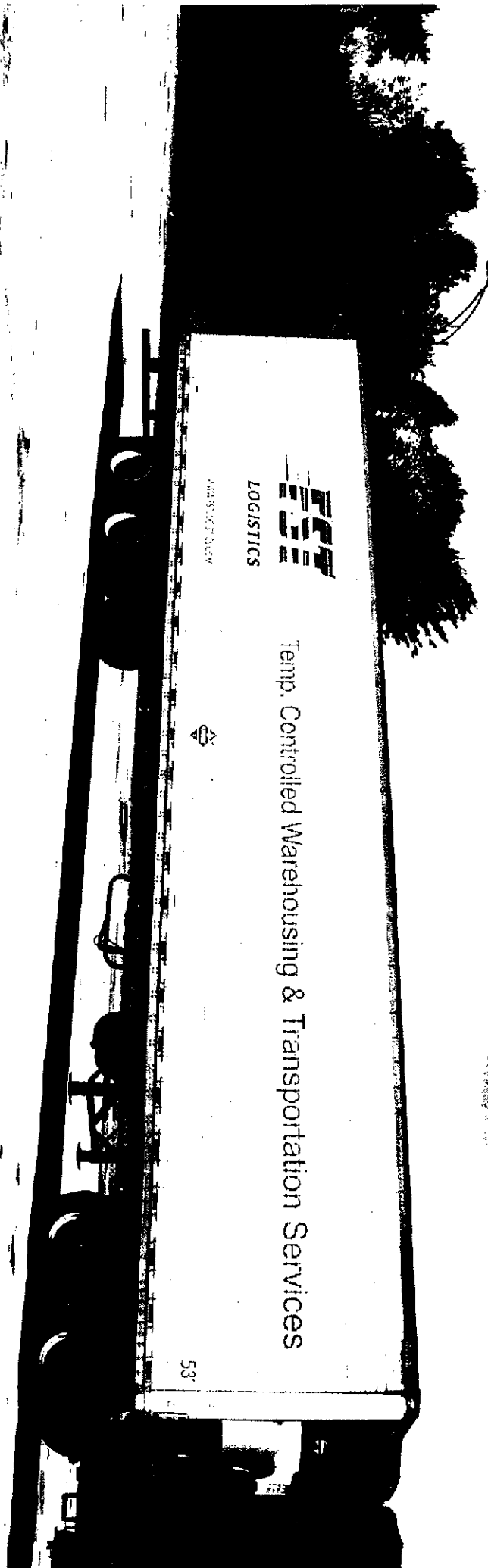
3219

Copy Received By:

TAYLOR, DENNIS D







53'

3374

H-100

SHIPPING ORDER

THIS SHIPPING ORDER

SHIPPER: **FNKN PST**

DATE: **05-21-09**

FROM: **Givaudan, Inc.**

TO: **1000 TOP QUALITY DRIVE**

HORSE CAVE, KY 42749

CUST NO: **000911 0011**

T. MARZETTI COMPANY

601355

DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS

*** All items are FOODSTUFFS or used to prepare FOODSTUFFS ***

FOOD STUFFS

DRUMS FLAVOURING, LIQUID -

Order/line...389039 001 PO...P575389 Pieces... 2

Orig Customer Req Delivery... 7/10/09

Customer Code... 1472

Lot Number...7009226150 Qty. . . 100 Mfg Date. . . 05/14/09

Lot Number...7009287338 Qty. . . 100 Mfg Date. . . 06/17/09

NO MORE THAN TWO LOT NUMBERS CAN BE SHIPPED ON ONE ORDER AND MIXED LOTS ON A SINGLE PALLET MUST BE CLEARLY TAGGED INDICATING THE LOTS ON PALLET. KEEP REFRIGERATED / MUST MAINTAIN TEMPERATURE BETWEEN 35-45 DEG. F.

CARRIER NOTE: PLEASE SEND ORIGINAL FREIGHT BILL AND COPY OF OUR INLAND B/L TO: GIVAUDAN FLAVOR CORPORATION C/O EXEL TRANSPORTATION SERVICES, INC. 1435 54TH STREET, BUILDING 200 - SUITE A COLUMBUS, GEORGIA 31904

Continued on next page...

TOTAL NO. PIECES

SHIPPER'S TOTAL WEIGHT

per

Shipper

WALSBD

13102

2

Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading

Permanent post office address of shipper: See address above

Per: FNKN PST EXPRESS

[illegible]

CUST NO: 000911 0013
 T. Marzetti Co
 Kappus Farms
 6275 Jockey Road
 Burt, NY 14028, NY 14028

Per (The shipper here is the owner of the goods)
 C.O.D. SHEET
 C.O.D. Amt
 Collection
 Total Charges

NO.
PKGS

HM
COMMODITIES

DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS
 * All items are FOODSTUFFS or used to prepare FOODSTUFFS

IF DAMAGE OCCURS PRIOR TO DELIVERY.
 DO NOT DELIVER. CONTACT THE SHIPPER!!!!!!
 GIVAUDAN, SHIPPING DEPARTMENT @973-386-9800
 FOR AUTHORIZATION. NO EXCEPTIONS!!!!!!

Truck inspected and in good condition per Givaudan SOP-116N0990.

 FOR CARRIER INFORMATION CONTACT:
 GIVAUDAN, SHIPPING DEPARTMENT @973-386-9800

 "ALL TRUCKLOAD ORDERS MUST BE DELIVERED ON A SEALED TRAILER"
 "ALL LTL SHIPMENTS MUST BE DELIVERED ON A LOCKED TRUCK. LOCK NUMBER
 MUST BE WRITTEN ON DELIVERING BILL OF LADING"

 INFORMATION CARRIER CAN BE CONTACTED AT:

FNKN FST EXPRESS
 700 Harrison Drive
 Columbus, OH 43204 US
 614-758-4539 X1531

24-hour Emergency Response Number: 800-424-9300 : Intn'l: 0017035273887

TOTAL NO. PIECES

40
 (On 1 Pallets)

SHIPPER'S TOTAL WEIGHT

1768

☐ Packaged offered as per 49 CFR Part 172 Subpart F

and properly blocked and secured

*Driver's Signature:

I hereby certify that the above named articles are properly classified, described, packaged, marked and secured, and are in proper condition for transportation, according to the applicable regulations of the Department of Transportation.

Per: FNKN FST EXPRESS

Permanent post office address of shipper: See address above

Per: FNKN FST EXPRESS

Shipper VALSHD
 11:49
 Agent must detach and retain this Shipping Ord and must sign the Original Bill of Lading

NOTE - Carrier that have entered into a written contract with Givaudan (Farming Corp. and/or Givaudan Insurance Corp.) to use Givaudan's freight for all other carriers, when Givaudan is in possession of the goods, shall be deemed to have accepted the terms of the contract and shall be bound by the terms of the contract.

SP
 Products 172.
 1p
 172.2026
 Da
 1 Via L
 177.817
 177.817
 20

THIS SHIPPING ORDER

CARRIER FENK FST EXPRESS

must be legibly filled in, in ink, in indelible pencil, or
Carbon, and retained by the Agent.

DATE

14 JUL 2009

FROM Givaudan Flavors Corporation
1 Merry Lane, East Hanover, New Jersey 07936

INVOICE NO. 112-000-0000000000

CUST. ORDER NO.

** See document details

RECEIVED, subject to the classifications and tariffs in effect on the date of issue of this Original Bill of Lading, property described below, in apparent good order, except as noted hereon, and condition of contents of packages appearing, sealed, consigned, and delivered as stated below, which said carrier (the carrier) being obligated throughout this contract to transport any goods or commodities in possession of the property owner or contract, agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination, it is fully agreed, as to each carrier at all or any of said property over all or any portion of said route to destination, and as to each party at any time hereon in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Customs and Practice for Documentary Credits (UCP) and the applicable carrier classification or tariff if this is a carrier shipment.

Upper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his agents.

CUST NO: 420162 0002
Diages - Menlo Park
151 Commonwealth Drive
Menlo Park, CA 94025

601370

Received \$ _____
to apply in payment of the charges on
the property described hereon.

Agent or Carrier _____

Per _____
(The signature here represents the agent or carrier of the property described hereon.)

Charges Advanced _____

G.O.D. SHIPMENT _____

G.O.D. Amt. _____

Collection _____

Total Charges _____

HM
COMMODITIES

DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS
* All items are FOODSTUFFS or used to prepare FOODSTUFFS

FOOD STUFFS

ONE COMBUSTIBLE LIQUID, N.O.S. - 3 NA1993 ALII
(CONTAINS MGLYOL OIL)

der/line...389003 001 PO...5300004794 Pieces... 1
1st Customer Req Delivery..... 7/10/09
Comer Code..... 4500002000
Number...7009281611 Qty. . . 2418 Mfg Date. . . 05/22/09

Please also ensure Menlo Park returns these
temperature tracking devices to East Hanover:
Givaudan Flavors Corp.
1 Merry Lane
East Hanover, NJ 07936
Attention: Ruth Aynesian-Quality
Management/Building 6
KEEP REFRIGERATED / MUST MAINTAIN
TEMPERATURE BETWEEN 35-45 DEG. F.

*Temperature
Controlled
Refrigerated
Shipper*

NOTE: PLEASE SEND ORIGINAL FREIGHT BILL

Continued on next page...

Part 172 Subpart F	TOTAL NO. PIECES	SHIPPER'S TOTAL WEIGHT
	SHIPPER'S TOTAL WEIGHT	
properly classified, described, packaged, marked when, according to the applicable regulations of	per _____	Shipper WALSHD 10:53

Agent must detach and retain this copy of the bill of lading and must sign the Original Bill of Lading.

open: See address above Per FENK FST EXPRESS

SHIPPER'S TOTAL WEIGHT

THIS IS A COPY OF THE ORIGINAL BILL OF LADING AND IS NOT VALID FOR THE PURPOSES OF THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (UCP) OR THE INCOTERMS. IT IS THE RESPONSIBILITY OF THE SHIPPER TO PROVIDE THE NECESSARY INFORMATION TO THE CARRIER TO ENSURE THE PROPER CLASSIFICATION OF THE GOODS AND TO OBTAIN THE NECESSARY PERMITS AND LICENSES FOR THE TRANSPORTATION OF THE GOODS. THE SHIPPER IS ADVISED THAT THE CARRIER IS NOT RESPONSIBLE FOR THE LOSS OF OR DAMAGE TO THE GOODS IF THE SHIPPER DOES NOT PROVIDE THE NECESSARY INFORMATION TO THE CARRIER TO ENSURE THE PROPER CLASSIFICATION OF THE GOODS AND TO OBTAIN THE NECESSARY PERMITS AND LICENSES FOR THE TRANSPORTATION OF THE GOODS.

DATE 11-20-2000

SHIP

420162 0002
Menlo Park
Wealth Drive
CA 94025

DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS
 * All items are FOODSTUFFS or used to prepare FOODSTUFFS

AND COPY OF OUR INLAND B/L TO:
 GIVAUDAN FLAVOR CORPORATION
 700 EXEL TRANSPORTATION SERVICES, INC.
 435 54TH STREET, BUILDING 200 - SUITE A
 COLUMBUS, GEORGIA 31904
 322 0938, ext 103

OR TO DELIVERY.
 ACT THE SHIPPER:|||||
 DEPARTMENT 0973-386-9800
 EXCEPTIONS:|||||

Good condition per Givaudan SOP-116N0098.

CONTACT:
TELEPHONE 0973-386-9800

DELIVERED ON A SEALED TRAILER"
DELIVERED ON A LOCKED TRUCK. LOCK NUMBER
OF BILL OF LADING"

next page...

[illegible]

10:53
Agent must detach and retain this Shipping Order
and must sign the Original Bill of Lading

Per ~~ALAN POST PRESS~~

SHIPPER'S TOTAL WEIGHT

- sorted, packaged, marked
- and applicable regulations of

Must be legibly filled in, in ink, in indelible Pencil, or in Carbon, and retained by the Agent.

DATE 14 JUL 2009

INVOICE NO. *** See document details below *** 245855

CUST. ORDER NO. *** See document details below ***

Corporation
New Jersey 07936

Received \$
to apply in payment of the charges on
the property described herein.

Agent or Cashier

Per
(The signature here acknowledges only
the amount prepaid)

Charge Advanced:

\$

C.O.D. SHIPMENT

C.O.D. Amt.

Collection

Total Charges

Subject to Section 7 of conditions
of applicability of charges, if a
consignee without signature on a
consignor, the consignee must at
the following statement:
The carrier shall not be liable for
loss of this shipment without payment
of freight and all other charges.

Per
(Signature of Consignee)

If charged due to be prepaid, stamp
here: "To be Prepaid"

TO BE PREPAID

CUST NO: 420162 0002
Diaged - Menlo Park
151 Commonwealth Drive
Menlo Park, CA 94025

HM COMMODITIES	DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS * All items are FOODSTUFFS or used to prepare FOODSTUFFS *	WEIGHT LBS. (SUBL TO COM)	CLASS OF RATE
-------------------	---	------------------------------	---------------------

TRANSPORTATION CARRIER CAN BE CONTACTED AT:
KN FST EXPRESS
Harrison Drive
Columbus, OH 43204 US
758-4599 X1531

Ready Response Number: 800-424-9300 : Int'l: 001703527388

Part 172 Subpart F

TOTAL NO. PIECES

SHIPPER'S TOTAL WEIGHT
2547

Shipper

per

VALSHD
10:53

Agent must detach and retain this document
and must sign the Original Bill of Lading

Shipper: See address above Per: PKN FST EXPRESS

TOTAL NO. PIECES

SHIPPER'S TOTAL WEIGHT

If the shipment moves between two ports by a carrier for whom
the law requires that the bill of lading shall state whether it is
a Shipper's Invoice or a Consignment Receipt, the carrier must
indicate in the bill of lading whether it is a Shipper's Invoice or a
Consignment Receipt. If the carrier indicates it is a Shipper's Invoice,
it must also indicate whether it is a Shipper's Invoice or a Consignment
Receipt. If the carrier indicates it is a Consignment Receipt, it must
also indicate whether it is a Shipper's Invoice or a Consignment Receipt.
NOTE: - Consignee that have interest in a shipment shipped in
accordance with the Consignment Receipt must sign the bill of lading
in accordance with the Consignment Receipt. For all other consignees,
the carrier must indicate in the bill of lading whether it is a
Shipper's Invoice or a Consignment Receipt. The carrier must also
indicate in the bill of lading whether it is a Shipper's Invoice or a
Consignment Receipt.

SHIPPING ORDER

must be lightly filled in, in black ink, and submitted to the carrier, and retained by the shipper.

CUSTOMER PICK UP

DATE

14 JUL 2009

Givaudan Flavors Corporation
1 Merry Lane, East Hanover, New Jersey 07936

INVOICE NO. 444

CUST. ORDER NO.

*** See document details below ***

Shipment, subject to the classification and tariff in effect on the date of issue of this Original Bill of Lading, is hereby described below, in payment of freight, except as noted (consent and condition of carriage) retained, consigned, and delivered as follows: which said carrier (the vessel carrier being understood throughout this document) in payment of the freight under this bill of lading, agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is hereby agreed, all to each carrier of all or any portion of said route to destination, and as to each party of any line indicated in all or any portion of said route, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Customs and Practice for Documentary Credits (UCP) and the International Rules for the Negotiable Instrument (I.R.N.) in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, and both in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

Received \$ _____
to apply in payment of the charges on the property described herein.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount prepaid)

Charges Advanced

C.O.D. SHIPMENT

C.O.D. Amt. _____

Collection _____

Total Charges _____

Shipment is subject to the condition of applicable bill of lading. If the shipment is to be delivered to the consignee without receiving on the following measurement:
The carrier shall not be liable for delivery of this shipment without payment of freight and all other lawful charges.

Per _____
(Signature of Consignee)
If charges are to be prepaid, write on stamp here. "To be Prepaid"

TO BE PREPAID

CUST NO: 420162 0001
Diageo- Plainfield/China
24440 W. 143rd Street
Plainfield, IL 60544

601378

CO. <GS	HM COMMODITIES	DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS * All items are FOODSTUFFS or used to prepare FOODSTUFFS *	WEIGHT, LBS. (SUBJ. TO CORR.)	CLASS OF RATE
		<u>FOOD STUFFS</u> TOTES COMBUSTIBLE LIQUID, N.O.S. - (CONTAINS MIGLYOL OIL) Order/line...385503 001 PO...5300004790 Pieces... 3 Orig Customer Req Delivery..... 7/02/09 Customer Code..... 4500002000 Lot Number...7009294076 Qty. . . 7253 Mfg Date. . . 06/22/09 KEEP REFRIGERATED / MUST MAINTAIN TEMPERATURE BETWEEN 35-45 DEG. F. CARRIER NOTE: PLEASE SEND ORIGINAL FREIGHT BILL AND COPY OF OUR INLAND B/L TO: GIVAUDAN FLAVOR CORPORATION C/O EXEL TRANSPORTATION SERVICES, INC. 1435 54TH STREET, BUILDING 200 - SUITE A COLUMBUS, GEORGIA 31904 706 322 0938, ext 103	7543	70

Continued on next page...

Placards offered as per 49 CFR Part 172 Subpart F
and properly blocked and secured

Track, road refrigerated
ver's Signature:

Is to certify that the above named articles are properly classified, described, packaged, marked labeled, and are in proper condition for transportation, according to the applicable regulations of Department of Transportation

TOTAL NO. PIECES

SHIPPER'S TOTAL WEIGHT

per

Shipper

If the shipment is subject to the condition of applicable bill of lading, the carrier shall not be liable for delivery of this shipment without payment of freight and all other lawful charges.

NOTE - Carrier shall not be liable for delivery of this shipment without payment of freight and all other lawful charges.

14781018

in, in ink, in indelible pencil, or in
and retained by the Agent 2

DATE 14 JUL 2009

INVOICE NO. *** SEE DOCUMENT DELIVERED

CUST. ORDER NO.

*** See document delivered

Placed in
to apply to preparation of the document
for properly checked release.

Agent or Carrier

Pay
(The signature here authorizes the
the carrier to pay)

Charges Advanced

G.O.D. SHIPMENT

G.O.D. Amt.

Collection

Total Charges

10 BY PREP

1402

Q. GS HM
COMMODITIES

DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS
* All items are FOODSTUFFS or used to prepare FOODSTUFFS

IF DAMAGE OCCURS PRIOR TO DELIVERY.
DO NOT DELIVER. CONTACT THE SHIPPER!!!!!!
GIVAUDAN, SHIPPING DEPARTMENT @973-386-9800
FOR AUTHORIZATION. NO EXCEPTIONS!!!!!!

Truck inspected and in good condition per Givaudan SOP-11GN0098.

FOR CARRIER INFORMATION CONTACT:
GIVAUDAN, SHIPPING DEPARTMENT @973-386-9800

"ALL TRUCKLOAD ORDERS MUST BE DELIVERED ON A SEALED TRAILER"
"ALL LTL SHIPMENTS MUST BE DELIVERED ON A LOCKED TRUCK. LOCK NUMBER
MUST BE WRITTEN ON DELIVERING BILL OF LADING"

TRANSPORTATION CARRIER CAN BE CONTACTED AT:
CUSTOMER PICK UP
NJ 07536 US

24-hour Emergency Response Number: 800-424-9400 : Intn'l: 0017035273887

Placards offered as per 49 CFR Part 172 Subpart F
properly blocked and secured

uck, read
er's Signature: *[Signature]*

to certify that the above named articles are properly packaged, secured, marked
stamped and are in proper condition for transportation according to the applicable regulations of
Department of Transportation.

to 0605

agent post office address of shipper. See

TOTAL NO. PIECES

SHIPPER'S TOTAL WEIGHT

764.0

Shopper

VALSHD

11:14

Agent must detach and retain this Shipping Order
and must sign the Original Bill of Lading

2



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 Roberts

September 28, 2009

MR. JIM VAUGHAN
COMPLIANCE MANAGER FST EXPRESS INC
2040 ATLAS STREET
COLUMBUS, OH 43228

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. 3219300919C
Officer:

Dear MR. VAUGHAN:

On July 16, 2009, a vehicle operated by FST EXPRESS INC, and driven by DENNIS D TAYLOR, was inspected within the State of Ohio. As the result of discovery of the following apparent violations 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 amounts:

Code	Violation	
172.331	Markings for other bulk packages-(shipper)-4	\$ 0.00
177.823A	No markings when required-(carrier)-see above	\$ 3360.00
177.817E	Shipping paper accessibility-Non-HM shipping	\$ 1680.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00

Total Forfeiture Assessed :

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 violations 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)

July 16
CL



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. Lemmle
Paul A. Centolella
Cheryl Roberto

September 28, 2009
MR. JIM VAUGHAN
COMPLIANCE MANAGER FST EXPRESS INC
3219300919C

PAGE -2

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against FST EXPRESS INC in the following forfeitures:

Code	Violation	
172.331	Markings for other bulk packages-(shipper)-4	\$ 0.00
177.823A	No markings when required-(carrier)-see above	\$ 3360.00
177.817E	Shipping paper accessibility-Non-HM shipping	\$ 1680.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00
177.817A	Improper shipping papers (carrier)-see above	\$ 0.00

Total Forfeiture Agreed :

Please include a certified check or money order for the N.P.D. forfeiture total, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th 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

5640, W

FORFEITURE ASSESSMENT

REPORT #

3219300919C

COMPLETED BY C. ROSS

REPORT DATE:

July 16, 2009

DATE ASSESSED

07/28/09

RESPONDENT:

FST EXPRESS INC.

	VIOLATION CODE/ DESCRIPTION	177.823A NO MARKINGS WHEN REQ	177.817(e) SHIPPING PAP ACCESSIBILITY	177.817A 3 VIOLS- 2 DIFFR SHIPPING PAP	172.331 MARKINGS
	NATURE GRAVITY 0 - 10 PTS.	6	3	0	0
	EXTENT OF VIOL. -10 TO +10 PTS.	0	0	0	0
	ACTUAL HARM 0 - 20 PTS.	0	0	0	0
	OTHER CIRCUMST. -10 TO +10 PTS.	0	0	0	0
(A)	SUBTOTAL POINTS 0-50 PTS.	6	3	0	0
(B)	MATERIAL HAZARD	0.8	0.8	0.8	0
(C)	AMOUNT OF MATERIAL	0.6	0.6	0.6	0
(D)	SUBTOTAL POINTS = A*(B+C)	8.40	4.20	0.00	0.00
(E)	RESPONDENT CULPABILITY	1	1	1	1
(F)	RESPONDENT HISTORY 1,2, OR 4	4	4	0	1
(G)	TOTAL POINTS = D*E*F	33.60	16.80	0.00	0.00
	FORFEITURE ASSESSED AMOUNT = G * \$100.00	\$3,360.00	\$1,680.00	NAV	NAV