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RECEIVED-DOCKETING DIV

2010 AUG -4 PM 12:14

B.J. ALAN COMPANY

Distributors of Phantom® and Wolf Pack® Brand Fireworks 10-1079-TR CVF

Corporate Office:

555 Martin Luther King, Jr. Blvd.

Youngstown, Ohio 44502-1102

Anthony Donofrio, Deputy General Counsel

PUCO

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August 2, 2010

PUBLIC UTILITIES COMMISSION OF OHIO

Attn: Docketing Division

180 East Broad Street, 11th Floor

Columbus, Ohio 43215-3793

Re: Notice of Preliminary Determination

Case Number: 3248007530C

Date of Alleged Violation: January 21, 2010

To whom it may concern:

Please accept this communication as Request for Administrative Hearing relative to the above-referenced Notice of Preliminary Determination and Case Number. B.J. Alan Company wishes to contest the violation that was issued on January 21, 2010, pertaining to a vehicle operated by B.J. Alan Company and driven by Ricky Nelson, which was inspected within the State of Ohio.

Please advise at your earliest convenience as to when and where the hearing will take place. Should you require additional information or wish to discuss this matter further, please feel free to call me.

Thank you.

Very truly yours,



ANTHONY DONOFRIO
Deputy General Counsel

AD:ke

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Technician Or Date Processed 8-10-2010

INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

You have received a "Notice of Preliminary Determination" pursuant to Rule 4901:2-7-12, Ohio Administrative Code. This Notice of Preliminary Determination is based upon the inspection report prepared in this case, further review and investigation by the Staff, and information presented in a settlement conference with the Staff, if held.

Within thirty (30) days of receipt of this Notice you must either: (1) Pay the civil forfeiture indicated in the Notice, or (2) File a written "Request for Administrative Hearing." **If you do not pay the civil forfeiture or file a "Request for Administrative Hearing" within thirty days, you will waive your right to further contest the violation and the civil forfeiture, and you will be subject to an order of the Commission placing you in default and referring your case to the Ohio Attorney General for collections.**

Both procedures are described below. Please read them carefully.

1. How to Pay the Forfeiture:

If you do not wish to further contest the civil forfeiture indicated in the Notice, you must make payment of the civil forfeiture indicated in the Notice by check or money order (no Canadian postal money orders please) made payable to: "Treasurer, State of Ohio" and must indicate the case numbers for which payment is being made. Please use the ENCLOSED ENVELOPE to make payment or mail the payment to the following address:

The Public Utilities Commission of Ohio
Attention: Fiscal Department
180 East Broad Street, 4th Floor
Columbus, Ohio 43215-3793

THE CASE NUMBER AND THE COMPANY NAME MUST BE WRITTEN ON THE FACE OF YOUR CHECK OR MONEY ORDER.

2. How file a "Request for Administrative Hearing":

If you do wish to further contest the civil forfeiture indicated in the Notice, **you should file a "Request for Administrative Hearing"** with the Commission's Docketing Division. Please note that you must file a "Request for Administrative Hearing" in order to further contest the civil forfeiture or compliance order in this matter, even if you had previously served upon the Staff a "Request for Conference." Your "Request for Administrative Hearing" must be in writing and should be mailed or otherwise delivered within thirty (30) days after receipt of the Notice of Preliminary Determination to the following address:

The Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

(Over please)