

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of CAST Transportation,)
Notice of Apparent Violation and Intent to) Case No. 10-2411-TR-CVF
Assess Forfeiture.) (3208301438C)

FINDING AND ORDER

The Commission finds:

- (1) On August 4, 2010, a vehicle operated by CAST Transportation (respondent) and driven by Steven J. Williams was inspected within the state of Ohio. The inspection resulted in the discovery of apparent violations of Rule 4901:2-5-02, Ohio Administrative Code, which incorporates the following sections of the Code of Federal Regulations (C.F.R.): (a) No/Imp Intermodal Container Securement, in violation of 49 C.F.R. §393.126; and (b) shipping paper accessibility, in violation of 49 C.F.R. §177.817(e).
- (2) Respondent was timely served with a Notice of Preliminary Determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD assessed respondent \$1,470.00.
- (3) On October 22, 2010, respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (4) On December 10, 2010, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) For purposes of settlement only, CAST Transportation agrees to a finding that it violated Rule 4901:2-5-02, O.A.C., incorporating 49 C.F.R. §177.817(a) - shipping paper accessibility (\$630.00), and that such findings may be included

in CAST Transportation's Safety-Net Record and history of violations, for purposes of determining future penalty actions.

- (b) Due to the unique configuration of CAST Transportation's intermodal container securement, CAST Transportation and the staff agree that the violation of Rule 4901:2-5-02, O.A.C., incorporating 49 C.F.R. §393.126 - No/Imp Intermodal Container Securement (\$840.00), shall be removed from CAST Transportation's Safety-Net Record and history of violations. Within 12 months after the effective date of this agreement, however, CAST Transportation agrees to meet with the staff and educate staff on CAST Transportation's intermodal container securements.
 - (c) CAST Transportation and the staff agree that the civil forfeiture totaling \$1,470.00 shall be reduced to \$630.00. This settlement agreement shall not become effective until adopted by an order of the Commission. CAST Transportation and staff also agree that the civil forfeiture of \$630.00 for the violation shall be paid within 30 days of the Commission's adoption of this settlement agreement.
 - (d) This settlement agreement is intended to resolve only factual or legal issues raised in this case. This agreement shall not be used in any other case or proceeding, except as otherwise provided herein, or in any action that may be required to enforce the terms of this agreement.
- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

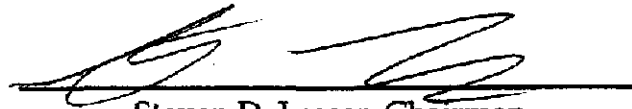
It is, therefore,

ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That CAST Transportation pay a civil forfeiture of \$630.00 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, 4th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, CAST Transportation is directed to write the inspection number (3208301438C) on the face of the check or money order. It is, further,

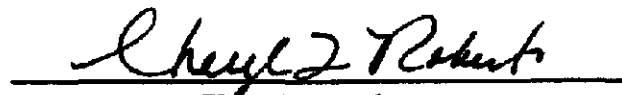
ORDERED, That a copy of this finding and order be served on each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Steven D. Lesser, Chairman


Paul A. Centolella


Valerie A. Lemmie


Cheryl L. Roberto

KKS/vrm

Entered in the Journal

JAN 11 2011



Renee J. Jenkins
Secretary