

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Milan Express Co.,)	Case No. 11-1053-TR-CVF
Inc., Notice of Apparent Violation and)	(OH3212300215C)
Intent to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On September 21, 2010, a vehicle operated by Milan Express Co., Inc. (respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of an apparent violation of the Code of Federal Regulations (C.F.R.): failure to ensure that shipping papers are readily available to, and recognizable by, authorities in the event of accident or inspection, in violation of 49 C.F.R. 177.817(e).
- (2) Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). A civil forfeiture of \$1,020.00 was assessed against respondent.
- (3) On February 25, 2011, respondent filed a request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held on the matter.
- (4) On August 31, 2011, the parties filed a settlement agreement, which, in the parties' opinion, resolves all of the issues raised in the notice of preliminary determination.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) For purposes of settlement, and not as an admission or evidence that the violation occurred, the citation may be included in respondent's Safety-Net Record and history of violations, insofar as it may be relevant for purposes of determining future penalty actions.

- (b) Respondent will pay a reduced civil forfeiture of \$510.00 due to an improved history factor.
 - (c) Payment will be due 30 days from Commission approval of the settlement agreement. Payment should be made by certified check or money order made payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793.
 - (d) The settlement agreement shall not become effective until adopted by the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (e) The settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
- (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,

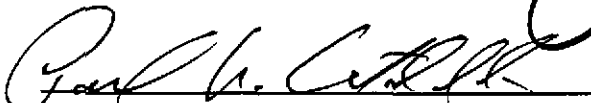
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That respondent pay a civil forfeiture of \$510.00 in accordance with the settlement agreement. Payment should be made by certified check or money order made payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, respondent is directed to write the inspection number (OH3212300215C) on the face of the check or money order. It is, further,

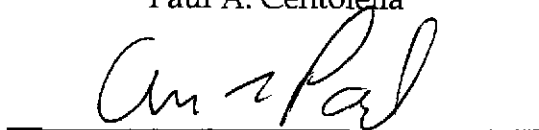
ORDERED, That a copy of this finding and order be served on each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella

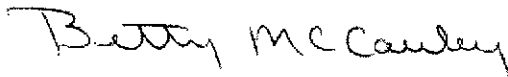

Steven D. Lesser


Andre T. Porter


Cheryl L. Roberto

SJP/sc

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SEP 14 2011



Betty McCauley
Secretary