

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the Matter of Peter :
4 Koenig Notice of Apparent : Case No. 12-1210-TR-CVF
5 Violation and Intent to :
6 Assess Forfeiture. :

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8 PROCEEDINGS

9 before Mr. Scott Farkas, Hearing Examiner, at the
10 Public Utilities Commission of Ohio, 180 East Broad
11 Street, Room 11-C, Columbus, Ohio, called at 10:00
12 a.m. on Wednesday, September 12, 2012.

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21 ARMSTRONG & OKEY, INC.
22 222 East Town Street, 2nd Floor
23 Columbus, Ohio 43215
24 (614) 224-9481 - (800) 223-9481
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1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General
3 By Mr. Stephen A. Reilly
4 Assistant Attorney General
5 Public Utilities
6 180 East Broad Street
7 Columbus, Ohio 43215
8 On behalf of the Staff.

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STAFF EXHIBITS

IDENTIFIED ADMITTED

1 - Driver/Vehicle Examination
Report

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2 - Notice of Preliminary
Determination

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1 Wednesday Morning Session,
2 September 12, 2012.

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4 EXAMINER FARKAS: Let's go on the record.

5 The Commission is called for hearing at
6 this time and place in the Matter of Peter Koenig
7 Notice of Apparent Violation and Notice to Assess
8 Forfeiture, Case No. 12-1210-CTR-CVF. My name is
9 Scott Farkas, I'm the attorney examiner assigned to
10 hear this case.

11 At this time we'll take appearances.

12 MR. REILLY: Thank you, your Honor. On
13 behalf of the staff of Public Utilities Commission of
14 Ohio, Mike DeWine, Ohio Attorney General, Bill
15 Wright, Section Chief, Public Utilities Section,
16 Steve Reilly, Assistant Attorney General, 180 East
17 Broad Street, Columbus, Ohio, 43215.

18 EXAMINER FARKAS: I'll note for the
19 record that Mr. Koenig is not present in the hearing
20 room and also CJ Drilling, Inc. which was the
21 operator of the commercial motor vehicle driven by
22 Mr. Koenig that filed the request for the
23 administrative hearing is also not present in the
24 hearing room.

25 MR. REILLY: Thank you, your Honor. We

1 would request that your Honor mark as exhibits in
2 this matter Staff Exhibit No. 1, the Driver Vehicle
3 Examination Report which is the inspection report
4 which occasioned this case, and as Staff Exhibit No.
5 2 the Notice of Preliminary Determination which was
6 sent by staff to the respondent and CJ Drilling.

7 EXAMINER FARKAS: So marked.

8 (EXHIBITS MARKED FOR IDENTIFICATION.)

9 MR. REILLY: And we would move their
10 introduction.

11 EXAMINER FARKAS: I will admit them.

12 (EXHIBITS ADMITTED INTO EVIDENCE.)

13 MR. REILLY: We would note also, your
14 Honor, that just for the record, as the Bench noted,
15 the request for hearing in this case was filed by CJ
16 Drilling and Ms. Sheila Lane. Ms. Lane I don't
17 believe is a resident of Ohio, and I don't believe
18 that she is licensed to practice law in Ohio.
19 Therefore, she would not have been able to act on
20 behalf of Mr. Koenig.

21 EXAMINER FARKAS: So noted.

22 MR. REILLY: Staff would rest.

23 EXAMINER FARKAS: Let's go off the
24 record.

25 (Off the record.)

1 MR. REILLY: Staff would also move for
2 default judgment in this matter. This case has been
3 scheduled for some time, in fact, it's been continued
4 at the request of CJ Drilling at least once. They
5 are not here, Ms. Lane called me yesterday to inform
6 me that they weren't coming.

7 On that basis, staff would move for
8 default judgment.

9 EXAMINER FARKAS: The Bench will take
10 note of your motion. Thank you.

11 Is there anything else?

12 MR. REILLY: We have nothing further,
13 your Honor.

14 EXAMINER FARKAS: We'll adjourn the
15 hearing. Thank you.

16 (Hearing adjourned at 10:07 a.m.)

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1 CERTIFICATE

2 I do hereby certify that the foregoing is a
3 true and correct transcript of the proceedings taken
4 by me in this matter on Wednesday, September 12,
5 2012, and carefully compared with my original
6 stenographic notes.

7 _____
8
9 Julieanna Hennebert, Registered
10 Professional Reporter and RMR and
11 Notary Public in and for the
12 State of Ohio.

13 My commission expires February 19, 2013.

14 (JUL-1898)

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in

Case No(s). 12-1210-TR-CVF

Summary: Transcript in the matter of Peter Koenig hearing held on 09/12/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.