

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of K & P Trucking, Inc., )  
Notice of Apparent Violation and Intent to ) Case No. 12-2812-TR-CVF  
Assess Forfeiture. )

ENTRY

The attorney examiner finds:

- (1) Commission staff has served a notice of preliminary determination upon K & P Trucking, Inc., in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging violations of the Commission's transportation regulations.
- (2) On October 22, 2012, K & P Trucking, Inc. requested an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) The parties participated in a prehearing conference on November 14, 2012, but did not resolve matters at that time.
- (4) Therefore, a hearing shall be scheduled for January 29, 2013, at 10:00 a.m. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) Rule 4901:2-7-14(A), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule additionally states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.
- (6) At the hearing, staff must prove, by a preponderance of the evidence, that respondent committed the alleged violation, pursuant to Rule 4901:2-7-20(A), O.A.C.

It is, therefore,

ORDERED, That a hearing be scheduled as indicated in Finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

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By: James M. Lynn  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/15/2012 6:45:29 AM**

**in**

**Case No(s). 12-2812-TR-CVF**

Summary: Attorney Examiner Entry ordering a hearing be scheduled as indicated in Finding (4). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio