

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Breakdown Services,)	Case No. 12-1480-TR-CVF
Inc., Notice of Apparent Violation and)	(OH3251010806C)
Intent to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On January 19, 2012, Commission Staff (Staff) conducted a roadside inspection of a commercial motor vehicle driven by John Madison and operated by Breakdown Services, Inc. (Respondent). The inspection resulted in the discovery of one apparent violation: 49 C.F.R. 393.51 (defective brake warning device).
- (2) Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). There was no fine assessed for the violation of 49 C.F.R. 393.51.
- (3) On May 4, 2012, Respondent requested an administrative hearing, pursuant to Section 4901:2-7-13, O.A.C.
- (4) On August 24, 2012, a hearing was scheduled for September 18, 2012; however, the hearing was continued in order to give the parties more time to conduct settlement negotiations.
- (5) On November 13, 2012, the parties filed a settlement agreement in which the parties agree, and recommend that the Commission find, as follows:
 - (a) Respondent admits to a violation of 49 C.F.R. 393.51.
 - (b) Staff and Respondent recommend that a forfeiture of \$0.00 be assessed for the violation.
 - (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting

the settlement agreement shall be considered as the effective date of the settlement agreement.

- (d) The settlement agreement is made in settlement of all factual and 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 shall be approved and adopted in its entirety.

It is, therefore,

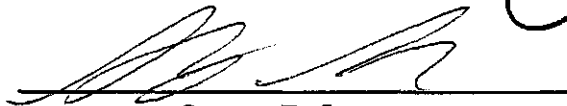
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That a copy of this finding and order be served upon Breakdown Services, Inc. and all other interested parties of record.

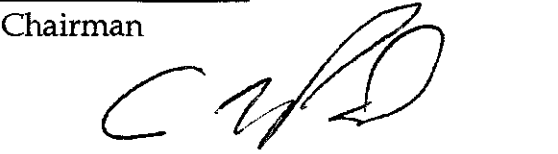
THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman



Steven D. Lesser



Andre T. Porter



Cheryl L. Roberto



Lynn Slaby

JML/sc

Entered in the Journal **DEC 12 2012**



Barcy F. McNeal
Secretary