

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Big R Trucking, LLC,)	
Notice of Apparent Violation and Intent to)	Case No. 13-573-TR-CVF
Assess Forfeiture.)	(OH0111004754C)

ENTRY

The attorney examiner finds:

- (1) On April 25, 2013, the attorney examiner issued an entry scheduling a May 21, 2013, hearing in this matter.
- (2) Staff filed a letter on May 17, 2013, requesting a 30-day continuance because it had been advised by Big R Trucking LLC that Big R intended to pay the full amount of the civil forfeiture assessed against it.
- (3) The attorney examiner finds staff's request for a continuance to be reasonable, as the continuance allows time for Big R to make payment. Therefore, the May 21, 2013, hearing shall be continued to June 24, 2013, at 10:00 a.m. in Hearing Room 11-D, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (4) Rule 4901:2-7-14(A), Ohio Administrative Code (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.
- (5) 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 the hearing be rescheduled to June 24, 2013, as indicated in Finding (3). 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

By: James M. Lynn
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-0573-TR-CVF

Summary: Attorney Examiner Entry orders hearing rescheduled to 06/24/2013 as indicated in Finding (3). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio