

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of GE Fleet Service LLC,)
Notice of Apparent Violation and Intent to) Case No. 13-1264-TR-CVF
Assess Forfeiture.) (OH3258004619C)

FINDING AND ORDER

The Commission finds:

- (1) On October 29, 2012, a commercial motor vehicle operated by GE Fleet Service LLC (respondent) was inspected within the state of Ohio. As a result of the inspection, the respondent was cited for five violations of 49 Code of Federal Regulations (C.F.R.), namely:
 - (a) 49 C.F.R. 383.93(b)(4), No hazardous materials endorsement on the commercial driver's license (CDL);
 - (b) 49 C.F.R. 172.504(a), Vehicle not placarded as required - no placards;
 - (c) 49 C.F.R. 172.301(a)(1), No ID number marking on non-bulk package -- none on trailer;
 - (d) 49 C.F.R. 387.301(a), No evidence of public liability and property damage insurance; and
 - (e) 49 C.F.R. 177.834(a), Package not secure in vehicle - no blocking.
- (2) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), Staff served a notice of preliminary determination (NPD) upon the respondent. The NPD notified the respondent that Staff intended to assess a total civil forfeiture of \$3,060.00 for all five violations. This total amount is based on individual civil forfeiture amounts of: \$480.00, each, for the violations of 49 C.F.R. 383.93(b)(4) and 49 C.F.R. 172.504(a); \$960.00 for the violation of 49 C.F.R. 172.301(a)(1); \$500.00 for the violation of 49 C.F.R. 387.301(a); and \$640.00 for the violation of 49 C.F.R. 177.834(a).

- (3) On May 28, 2013, the respondent filed a request for an administrative hearing in this case in accordance with Rule 4901:2-7-13, O.A.C.
- (4) A prehearing conference was held on July 30, 2013.
- (5) On October 17, 2013, the parties filed a settlement agreement, which in the parties' opinion, resolves all of the issues raised in the NPD. The respondent has provided a letter documenting that: it transported the hazardous material (hazmat) cargo involved in this matter under the belief that it was not hazmat; that, in order to prevent future incidents, it has taken corrective action by putting in place a driver training course instructing all drivers in how and when to handle hazmat; training drivers in how to properly secure cargo and when to declare a hazmat load; and training all drivers to call dispatch to clear any cargo that may be hazmat certified.
- (6) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) The respondent admits the violations identified in Finding (1)(a) through 1(e) above, and agrees to pay \$2,142.00 as the civil forfeiture for all five violations.
 - (b) The civil forfeiture of \$2,142.00 shall be paid by check or money order within 30 days of the Commission's order approving the settlement agreement. The payment should be made payable to the "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. The case number (OH3258004619C) should appear on the face of the payment.
 - (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order adopting the settlement agreement shall be considered the effective date of the settlement agreement.

Further, the settlement agreement is intended to resolve only factual or legal issues raised in this case and is not intended to have any effect in any other case or proceeding.

- (7) 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,

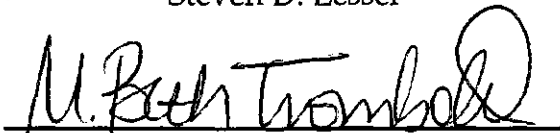
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,


ORDERED, That a copy of this Finding and Order be served upon all parties of record.

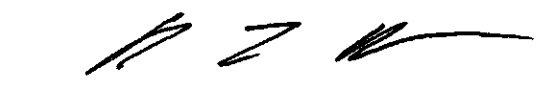
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Spitchler, Chairman


Steven D. Lesser

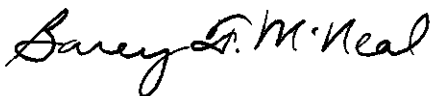

M. Beth Trombold


Lynn Slaby


Asim Z. Haque

DEF/sc

Entered in the Journal **DEC - 4 2013**


Barcy F. McNeal
Secretary