



13-2448-TR-CVF

Vern Ingham  
1690 Sumneytown Pike  
Suite 300  
Lansdale, PA 19446  
December 24, 2013

Public Utilities Commission of Ohio  
Attn: Docketing Division  
180 East Broad ST.  
Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV  
2013 DEC 31 AM 10:17  
PUCO

To Whom It May Concern:

I am writing this note to inform you that Cryogenic Transportation is requesting an administrative hearing to further discuss case number OH3258005752C. We are convinced that some of the items that have been documented are not accurate, and I still have a question on the shipping paper issue that I would like to get a definitive answer on so we know how to address the same situation going forward.

I would hope this hearing could be by phone so we don't incur the cost of sending someone from Lansdale, PA to Columbus, OH. Also, we had previously sent videos that showed the tires in question, will that be reviewed as part of this review?

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Vern Ingham", written over a horizontal line.

Vern Ingham  
President/COO

with an accurate and complete reproduction of a case file document delivered in the regular course of business  
Technician A-2 Date Processed 12/31/13

CRYOGENIC TRANSPORTATION



# Public Utilities Commission

John R. Kasich, Governor  
Todd A. Snitchler, Chairman

## Commissioners

Steven D. Lesser  
Asim Z. Haque  
Lynn Slaby  
M. Beth Trombold

12/13/2013

OH3258005752C  
Vern Ingham  
1690 SUMNEYTOWN PIKE STE 300  
LANSDALE, PA 19446

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3258005752C

Dear Sir or Madam:

On 11/05/2013, a vehicle operated by CRYOGENIC TRANSPORTATION INC, and driven by TERRY MULLINS, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified CRYOGENIC TRANSPORTATION INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
396.3A1T	0	Tires (general) -Axle 4 L - Large flat spots in tread, excessive road noise ( Super singles)	
396.3A1T	0	Tires (general) -Axle 5 R - Large flat spots in tread, excessive road noise ( Super singles)	
172.202A5	-	Total quantity not accurate - Shipping paper is marked as tank only containing residue, Truck enroute to deliver 4000 gals to Campbells Soup in Napoleon, OH	0.00
		Total of Group 0	0.00
		Total Hazmat	0.00

**TOTAL AMOUNT DUE: \$0.00**

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

180 East Broad Street  
Columbus, Ohio 43215-3793

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against CRYOGENIC TRANSPORTATION INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
172.202A5	-	Total quantity not accurate - Shipping paper is marked as tank only containing residue, Truck enroute to deliver 4000 gals to Campbells Soup in Napoleon, OH	
396.3A1T	0	Tires (general) -Axle 4 L - Large flat spots in tread, excessive road noise ( Super singles)	
396.3A1T	0	Tires (general) -Axle 5 R - Large flat spots in tread, excessive road noise ( Super singles)	
		Total of Group 0	
		Total Hazmat	

TOTAL AMOUNT DUE: \$0.00

Within 30 days of this notice, you must **either**: (1) pay the assessed civil forfeiture **or** (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director  
Transportation Department

Compliance Officer: Thomas Persinger

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