

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF SMS TRANSPORT,
LLC, NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE.**

CASE NO. 16-1721-TR-CVF

ENTRY

Entered in the Journal on October 11, 2016

{¶ 1} A prehearing conference was held in this case on September 29, 2016, but the parties were unable to resolve the matter.

{¶ 2} Accordingly, a hearing shall be scheduled for December 1, 2016, at 10:00 a.m. in Hearing Room 11-D, 11th floor of the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. Prior to the hearing date, the parties are encouraged to continue settlement discussions.

{¶ 3} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further 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.

{¶ 4} At the hearing, Staff must prove, by a preponderance of the evidence, that respondent committed the alleged violation, pursuant to Ohio Adm. Code 4901:2-7-20(A).

{¶ 5} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of the respondent, SMS Transport LLC, to present evidence in support of its contentions regarding the alleged violations in this matter.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a hearing be scheduled for December 1, 2016, as indicated in Paragraph (2). It is, further,

{¶ 8} 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). 16-1721-TR-CVF

Summary: Attorney Examiner Entry scheduling hearing in accordance with Paragraph (2). -
electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public
Utilities Commission of Ohio