

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of :
Ronald J. Cummings Notice : Case No.
of Apparent Violation and : 16-1219-TR-CVF
Intent to Assess Forfeiture. :

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PROCEEDINGS

Before Nick Walstra, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-D, Columbus,
Ohio, on Tuesday, October 18, 2016, at 1:00 P.M.

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222 East Town Street, 2nd Floor
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- - -

1 APPEARANCES:

2 Mr. Robert Eubanks
3 Assistant Attorney General
4 180 East Broad Street
5 16th Floor
6 Columbus, Ohio 43215

7 On behalf of the Staff of the
8 Public Utilities Commission
9 of Ohio.

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INDEX TO EXHIBITS

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STATE'S EXHIBITS

MARKED ADT

1 Notice of Preliminary
Determination

5 7

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INDEX TO WITNESSES

DIRECT CROSS

STATE'S WITNESSES

Jonathan Frye

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1 Tuesday Afternoon,

2 October 18, 2016.

3 1:15 P.M.

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5 ATTORNEY EXAMINER: The Public
6 Utilities Commission of Ohio has called for
7 hearing at this time and place Case No.
8 16-1219-TR-CVF being in the Matter of Ronald J.
9 Cummings Notice of Apparent Violation and Intent
10 to Assess Forfeiture.

11 My name is Nick Walstra, I am the
12 Attorney Examiner assigned by the Commission to
13 hear this case. I will take the appearances of
14 the parties.

15 MR. EUBANKS: Robert Eubanks
16 representing the PUCO Staff.

17 ATTORNEY EXAMINER: I would note
18 for the record that it is 1:17 and no one else
19 is present at this time.

20 Anything else?

21 MR. EUBANKS: I would like to call
22 Jonathan Frye to the stand just to testify as to
23 the Notice of Preliminary Determination.

24 ATTORNEY EXAMINER: Okay.

25 (WITNESS SWORN)

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JONATHAN FRYE

called as a witness, being first duly sworn,
testified as follows:

MR. EUBANKS: I am handing the
witness what will be marked as Exhibit A.

DIRECT EXAMINATION

By Mr. Eubanks:

Q. Will you state your name for the
record?

A. Jonathan Frye.

Q. And what is your position with the
PUCO Staff?

A. I am Chief of the Compliance
Division.

Q. And what are your duties?

A. To review the civil forfeitures that
are assessed.

Q. Do you have training in order to do
this?

A. Yes. I have gone through
supervisory training, North American Out of
Service training as well.

Q. What did you get from that training
that helps you in issuing Notices of Preliminary

1 Determination?

2 A. It trains me in the Federal Motor
3 Carrier Safety Administration violations. That
4 is the North American that trained me in when a
5 vehicle is placed out of service, who violations
6 should be assessed against.

7 Q. And for carriers as well?

8 A. Yes.

9 Q. And in this particular case did you
10 handle the Notice of Preliminary Determination?

11 A. Yes.

12 Q. Could you identify the document in
13 front of you?

14 A. Yes. It's the Notice of Preliminary
15 Determination letter that is sent to the
16 Respondent when the Division is unable to reach
17 a resolution. The letter will provide them with
18 information on how to make payment as well as
19 notice on how to request an administrative
20 hearing.

21 Q. Was that sent out to Ronald J.
22 Cummings?

23 A. Yes.

24 MR. EUBANKS: Okay. I have no
25 further questions.

1 ATTORNEY EXAMINER: Thank you. Do
2 you move your exhibit?

3 MR. EUBANKS: Yes. I would like to
4 move to have my exhibit admitted into evidence.

5 And I would also like to move to
6 request a default judgment due to the fact that
7 a Notice of Preliminary Determination was issued
8 and the Respondent didn't show up. And,
9 therefore, we are entitled to default judgment.

10 ATTORNEY EXAMINER: The Exhibit A
11 will be admitted.

12 (EXHIBIT HEREBY ADMITTED INTO
13 EVIDENCE)

14 ATTORNEY EXAMINER: And
15 the Commission will take your motion under
16 advisement.

17 Anything else?

18 MR. EUBANKS: No.

19 ATTORNEY EXAMINER: All right. We
20 are adjourned.

21 (At 1:20 P.M. the hearing was
22 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on
October 18, 2016, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-1219-TR-CVF

Summary: Transcript in the matter of the Ronald J. Cummings hearing held on 10/18/16 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.