

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF TIMOTHY MICHAEL,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

CASE NO. 16-1860-TR-CVF

ENTRY

Entered in the Journal on February 2, 2017

{¶ 1} An Entry was issued on December 1, 2016, scheduling a February 2, 2017 hearing in this matter.

{¶ 2} Timothy Michael contacted the attorney examiner on February 1, 2017, stating that illness would prevent him from attending the hearing on the scheduled date. Mr. Michael asked for a continuance of the hearing.

{¶ 3} The attorney examiner notes that Mr. Michael had previously requested a continuance of a November 29, 2016 hearing. Given this factor, and Mr. Michael's current request, the attorney examiner emphasizes that, after rescheduling of the February 2, 2017 hearing, no further continuances will be granted, except for extraordinary circumstances.

{¶ 4} Accordingly, the hearing shall be continued to February 16, 2017, at 1:00 p.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 5} 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.

{¶ 6} 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).

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of the respondent, Timothy Michael, to present evidence in support of his contentions regarding the alleged violations in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the hearing be continued to February 16, 2017, as indicated in paragraph 4. It is, further,

{¶ 10} 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

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-1860-TR-CVF

Summary: Attorney Examiner Entry continuing the hearing to 02/16/2107 in accordance with Paragraph 4. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio