

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of MTC Logistics, LLC,
Notice of Apparent Violation and
Intent to Assess Forfeiture.

Case No. 16-2116-TR-CVF
(CR201607140336)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), MTC Logistics, LLC (“MTC” and/or “Respondent”) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above-captioned case.

It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the parties' desire to arrive at a reasonable result considering the law, facts, and totality of the circumstances. Accordingly, the Respondent and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed upon terms. In the event the Commission rejects any

part of the Settlement Agreement, or adds to, or otherwise materially modifies its terms, each party shall have the right, within thirty days of the date of the Commission's entry or order, to file an application for rehearing that includes a request to terminate and withdraw from the Settlement Agreement. Upon the application for rehearing and request to terminate and withdraw from the Settlement Agreement being granted by the Commission, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if this Settlement Agreement had never been executed.

II. History

- A. On July 14, 2016, a compliance review of the Respondent's facility located at 5440 Mariners Way, Liberty Township, Ohio, 45011 was conducted.
- B. As a result of the compliance review, the Respondent was timely served with a notice of preliminary determination in accordance with Ohio Administrative Code (O.A.C) 4901:2-7-12.
- C. The notice of preliminary determination notified Respondent that the Commission intended to assess an aggregate forfeiture of \$1600.00 against the Respondent as follows:
 - \$0.00 for violation of 49 C.F.R. 392.2 (operating a commercial motor vehicle not in accordance with the laws, ordinances, and

regulations of the jurisdiction in which it is being operated – unsafe driving); and

- \$1600.00 for violation of 49 C.F.R. 395.8(e) (false reports of record of duty status).

D. The Respondent requested an administrative hearing pursuant to O.A.C 4901:2-7-13.

E. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The parties agree and recommend that the Commission find as follows:

A. Upon further review of the facts, law, and totality of the circumstances of this case, Staff agrees to lower to \$1120.00 the forfeiture amount for the alleged violation of 49 CFR 395.8(e).

B. Respondent admits to the violation of 49 CFR 392.2 and 395.8(e) listed above and in the notice of preliminary determination, agrees to come into compliance with the requirements of 49 CFR 392.2 and 49 CFR 395.8(e), and agrees that the violation may be included in Respondent's history of violations, insofar as it may be relevant for purposes of determining future

penalty actions.

- C. This Settlement Agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting this Settlement Agreement shall be considered the effective date of this Settlement Agreement. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to affect whatsoever any other case or proceeding.

IV. Conclusion

The undersigned respectfully request that the Commission adopt this Settlement Agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On the Behalf of MTC



Authorized Representative of MTC

Mubashir Mansoor

5440 Mariner Way

Liberty Twp, OH 45011

On Behalf of the Staff of the Public
Utilities Commission of Ohio



Robert Eubanks (0073386)

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

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in

Case No(s). 16-2116-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO