

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF HPC MANUFACTURING,
INC., NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 17-330-TR-CVF

IN THE MATTER OF CHRISTOPHER PRATT,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 17-331-TR-CVF

ENTRY

Entered in the Journal on September 12, 2017

{¶ 1} An Entry was issued on March 14, 2017, scheduling a May 8, 2017 hearing for the above-captioned cases.

{¶ 2} At Staff's request on May 8, 2017, the hearing was continued to a date to be determined. Staff indicated that settlement negotiations were continuing and the case was expected to be resolved by agreement.

{¶ 3} Staff filed a motion on August 9, 2017, requesting that a hearing date be established. Staff explains that a settlement offer was made to the respondents, subject to respondents taking certain compliance actions. Staff asserts that, "despite numerous assurances, respondents have failed to demonstrate any action taken to achieve compliance, or to otherwise respond to Staff's offer of settlement."

{¶ 4} Accordingly, a hearing is scheduled for October 5, 2017, at 10:00 a.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 respondents 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 respondents to present evidence supporting its contentions regarding the alleged violation in this matter.

{¶ 8} HPC Manufacturing, Inc. is reminded that Ohio Adm.Code 4901-1-08(A) requires that all corporations must be represented at Commission proceedings by an attorney-at-law authorized to practice in Ohio.

{¶ 9} Pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear before the Commission in the determination of transportation matters involving questions of fact only. However, such an employee cannot act as an attorney. More specifically, such an employee cannot examine witnesses, make motions, or file legal briefs.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for October 5, 2017, as indicated in Paragraph 4. It is, further,

{¶ 12} ORDERED, That all findings herein be observed by the parties in this case. It is, further,

{¶ 13} 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). 17-0330-TR-CVF, 17-0331-TR-CVF

Summary: Attorney Examiner Entry scheduling hearing for 10/05/2017 in accordance with Paragraph 4. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio