

**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Frontier Technology                   :  
Corp., Notice of Apparent Violation and       : Case No. 17-770-TR-CVF  
Intent to Assess Forfeiture                       :

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**SETTLEMENT AGREEMENT**

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**I. Introduction**

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Frontier Technology Corp. (“Frontier” 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 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 January 11, 2017, a compliance review of Frontier's facility was conducted finding alleged violations of Commission rules.
- B. As a result of the inspection, 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 \$2000.00 against the Respondent as follows:
  - \$0.00 for violation of 49 C.F.R. 107.608(b) (offering a hazardous material for transportation without having registered with the Department of Transportation) and
  - \$2000.00 for violation of 49 C.F.R. 172.800(b) (offering for transportation or transporting a hazardous material listed without a security plan).

- 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 resolves all of the issues raised in the notice of preliminary determination.

### **III. Settlement Agreement**

The Staff and the Respondent agree and recommend that the Commission find as follows:

- A. Upon further review of the facts of this case, Staff agrees to lower to \$1200.00 the forfeiture amount for the alleged violation of 49 CFR 172.800(b).
- B. Respondent agrees not to contest the alleged violation of 49 CFR 107.608(b) and 172.800(b) listed above and in the notice of preliminary determination.
- C. The alleged violations may not be used for purposes of determining past or future penalty actions.
- D. The alleged violations may not be used to retroactively bring enforcement actions against Respondent for events that occurred prior to the effective date of this Settlement Agreement.
- E. Respondent is registered with the Department of Transportation to offer for transportation a hazardous material and is currently in compliance with 49 CFR 107.608(b).

- F. Staff has reviewed Respondent's current security plan and policies and agrees that Respondent is currently in Compliance with 49 CFR 172.800(b).
- G. 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 the Commission

/s/Robert Eubanks

**Robert Eubanks (0073386)**

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On Behalf of Frontier

/s/Brian W. Dressel

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## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **SETTLEMENT AGREEMENT** was served by regular U.S. mail, postage prepaid, or electronically, upon the following, this 3<sup>rd</sup> day of May, 2018.

*/s/Robert Eubanks*  
**Robert Eubanks**  
Assistant Attorney General

Parties of Record:

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Counsel for Frontier

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Summary: Stipulation electronically filed by Ms. Tonnetta Scott on behalf of PUC