

NE
FILE

FAX

18-1308-TR-CVF



ROETZEL
FOCUSED ON WHAT MATTERS TO YOU

41 South High Street
Huntington Center, 21st Floor
Columbus, OH 43215

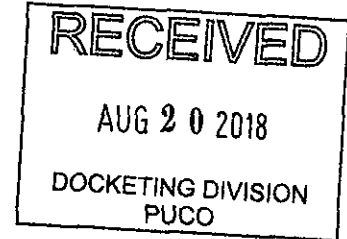
FAX COVER SHEET

DATE: August 20, 2018

PAGES (including cover page): 7

TO: PUCO Docketing Division
FAX: 614.466.0313
PHONE: 614.466.4095

FROM: David A. Ferris
FAX: 614.463.9792
PHONE: 614.463.9770



SUBJECT Thrifty Propane, Inc. - Case No. OH3219302370C

CLIENT MATTER:

THE ORIGINAL OF THIS DOCUMENT WILL BE SENT BY:

☒ Regular Mail ☐ Overnight Mail ☐ This is the Only Form of Delivery

COMMENTS:

We are transmitting from facsimile equipment, which will automatically connect transmissions to Roetzel & Andress twenty-four hours a day. If problems arise during transmission, please contact the operator at the office number listed above. Thank you.

NOTE: Unless otherwise indicated, the information in this facsimile transmission is confidential information intended for the individual or entity named above. The information contained in this transmission may also be attorney-client privileged and/or protected as attorney work product. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is confidential or otherwise privileged, please immediately notify us via telephone, and return the original message to us at the above address via the U.S. Postal Service at our expense. Thank you.

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Technician AS Date Processed 8/21/18



41 South High Street
Huntington Center, 21st Floor
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dferris@ralaw.com

WWW.RALAW.COM

August 20, 2018

VIA FACSIMILE & U.S. MAIL

PUCO Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215

Re: Thrifty Propane, Inc. – Case No. OH3219302370C

Dear Docketing Division:

On behalf of the respondent, Thrifty Propane, Inc. ("Respondent"), I am writing to request an administrative hearing in the above-referenced case. The address for Respondent is P.O. Box 2018, Medina, OH 44258.

Please direct future correspondence to me as authorized agent for Respondent. My address is: Roetzel & Andress, LPA, 41 S. High Street, 21st Floor, Columbus, OH 43215.

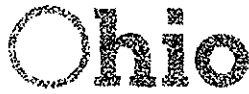
Please advise if you require anything further. Thank you for your attention to this matter.

Very truly yours,

ROETZEL & ANDRESS, LPA

A handwritten signature in dark ink, appearing to read "D. Ferris", written over a horizontal line.

David A. Ferris



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Thornbold
Thomas W. Johnson
Lawrence K. Friedlander
Daniel R. Conway

07/11/2018

OH3219302370C
Angela Maloof
PO Box 2018
Medina, OH 44258

RE: NOTICE OF PRELIMINARY
DETERMINATION
Case No. OH3219302370C

Dear Sir or Madam:

On 04/23/2018, a vehicle operated by THRIFTY PROPANE INC, and driven by JAMES R MAHAN JR, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified THRIFTY PROPANE INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
172.328D	-	Fail to mark manual remote shutoff device: None --needs "Emergency Shutoff" in letters at least 0.75 inches in height.	2520.00
173.315N3	--	No emergency discharge control, metered delivery: LED light on remote control does not come on when button depressed	5040.00
		Total Hazmat	7560.00

TOTAL AMOUNT DUE: \$7,560.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against THRIFTY PROPANE INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
180 East Broad Street Columbus, Ohio 43216-3793			(614) 466-3016 www.PUCO.ohio.gov



Ohio | Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman
Daniel R. Conway

172.328D	-	Fail to mark manual remote shutoff device: None --needs "Emergency Shutoff" in letters at least 0.75 inches in height.	2520.00
173.315N3	-	No emergency discharge control, metered delivery: LED light on remote control does not come on when button depressed	5040.00
		Total Hazmat	7560.00

TOTAL AMOUNT DUE: \$7,560.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Thomas Persinger





The Public Utilities
Commission of Ohio
180 E. Broad St. - Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 7/11/2018
Legal Name: THRIFTY PROPANE INC
Address: PO BOX 2018
City: MEDINA
State: OH
Zip: 44258
Case Number: OH3219302370C
PIN: TK3T

Item	DueDate	Amount
1	8/25/2018	\$7,560.00
Total		\$7,560.00

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH3219302370C



**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF PRELIMINARY DETERMINATION**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing. If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

1. How to Pay the Forfeiture

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

Online at <https://omeis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

Mail: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." In order to assure proper credit, you must write the case number on the face of the check or money order. Please send payment to the following address:

Public Utilities Commission of Ohio
Attn: CF Processing
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

2. How to File a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, you should file a "Request for an Administrative Hearing" with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" must be in writing and must contain the case number indicated on this notice. Also, please include the contact name, address, and telephone number, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered within 30 days of this notice to the following address:

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

3. Failure to Submit a Request for an Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. Such



failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

4. Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule that was violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code, authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$25,000 for each day of each violation. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.

For additional information regarding the civil forfeiture program, please contact the Compliance Division.

5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

6. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

envrreports@puc.state.oh.us. Please provide the inspection number and inspection date in your request.

