

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ROYAL GAS & OIL
COMPANY, INC., NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE No. 18-799-TR-CVF
(OH1251005261D)

FINDING AND ORDER

Entered in the Journal on February 20, 2019

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Royal Gas & Oil Company, Inc. regarding a violation of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations, published in the Code of Federal Regulations (C.F.R.), for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} On January 26, 2018, a commercial motor vehicle operated by Royal Gas & Oil Company, Inc. (Respondent) was inspected in Ohio. The inspection resulted in the discovery of two apparent violations of the Commission's rules. Specifically, Respondent was in violation of 49 C.F.R. 171.2(f), for transportation of hazardous materials without the proper requirements, and 49 C.F.R. 172.200(a), transportation of hazardous materials without a description of the materials.

{¶ 4} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff timely served Respondent with a Notice of Preliminary Determination (NPD). The NPD did not assess Respondent a civil forfeiture for the alleged violations.

{¶ 5} On May 4, 2018, Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13. Respondent and Staff participated in a prehearing conference on June 13, 2018, and a hearing was scheduled for August 9, 2018.

{¶ 6} On January 18, 2019, Staff and Respondent filed a settlement agreement that, in the parties' opinion, resolves the issue raised in the NPD. The following is a summary of the conditions agreed to by the parties; it is not intended to replace or supersede the settlement agreement.

- (a) While the shipping papers at issue properly reflected the individual component materials comprising the admixture, Respondent acknowledges that its shipping papers did not reflect the respective proportions of those materials in the specific admixture once the materials were combined.
- (b) Respondent has agreed to change the manner in which it prepares its shipping papers so as to accurately describe the mixture of products blended into the same compartment. Staff is satisfied that the Respondent has pledged to take appropriate corrective action.
- (c) No civil forfeiture was assessed.
- (d) This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.

- (e) The settlement agreement is made in settlement of all factual or legal issues in this case only.

{¶ 7} The Commission finds that the settlement agreement submitted by the parties in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

III. ORDER

{¶ 8} It is, therefore,

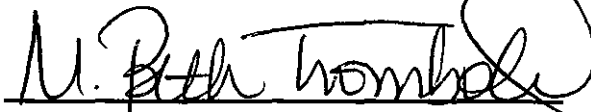
{¶ 9} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 10} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

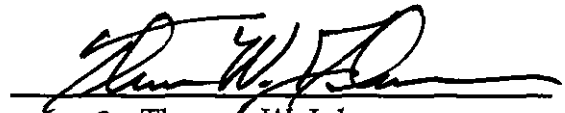
THE PUBLIC UTILITIES COMMISSION OF OHIO



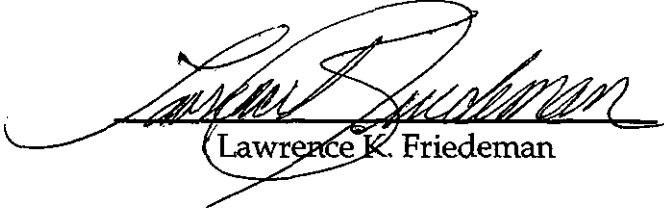
Asim Z. Haque, Chairman



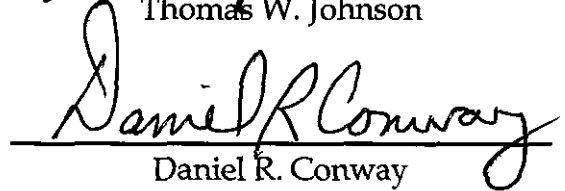
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

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FEB 20 2019



Tanowa M. Troupe
Secretary