

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THRIFTY PROPANE,
INC., NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 18-1308-TR-CVF
(OH3219302370C)

ENTRY

Entered in the Journal on July 25, 2019

{¶ 1} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served a notice of preliminary determination (NPD) upon Thrifty Propane, Inc. (Respondent) alleging violations of the Commission's transportation regulations.

{¶ 2} On August 20, 2018, counsel for Respondent filed a request for an administrative hearing regarding the NPD as contemplated by Ohio Adm.Code 4901:2-7-13. After a prehearing conference did not result in settlement of the matter, the attorney examiner set a hearing date of January 24, 2019.

{¶ 3} By Entry dated January 24, 2019, which granted an unopposed motion for continuance filed by Respondent, the attorney examiner continued the original hearing date to April 23, 2019. On April 22, 2019, however, Respondent notified the Commission of a change in counsel and requested a continuance in order to provide substituted counsel adequate time to prepare for hearing. Noting that Staff did not oppose the motion, the attorney examiner issued an April 29, 2019 Entry granting the motion and continuing the hearing to July 23, 2019.

{¶ 4} On July 23, 2019, counsel for Respondent again filed a motion to continue the hearing date. The motion asserts that Respondent's counsel of record is no longer associated with the law firm handling the matter and that Respondent's new counsel needs additional time to prepare for hearing and discuss a potential settlement. As was the case previously, the motion states that Staff was consulted and has no objection to the continuance.

{¶ 5} Upon review, the attorney examiner finds that the motion should be granted. Accordingly, the hearing is continued to September 11, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. Counsel for Respondent is reminded, however, that he made an appearance as counsel of record in this matter along side the exiting attorney in an April 22, 2019 notice of substitution of counsel. Accordingly, counsel has been aware of and ostensibly involved in this matter for several months; further motions to continue for additional time to prepare for hearing will require additional support.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That Respondent's motion for a continuance be granted and the hearing be continued to September 11, 2019, as stated in Paragraph 5. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

SJP/hac

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Case No(s). 18-1308-TR-CVF

Summary: Attorney Examiner Entry granting continuance and rescheduling hearing electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission