

FILE



19-1505-TR-CVF

Mr. John D. Williams, Director
Transportation Department
Ohio Public Utilities Commission
180 East Broad Street
Columbus, OH 43215-3793

Re: Administrative Hearing Request
Case No. OH3207302697C

Dear Sir,

I am requesting an Administration Hearing for case number OH3207302697C involving our company, Energy Transportation, LLC. Mr. James Pennesi, the driver of the vehicle, is no longer employed by our company, therefore I will be representing Energy Transportation, LLC, and all further correspondence should be sent to me.

Thank you for your consideration in this matter,

Pasco K. Altovilla II
DOT Compliance Director
Energy Transportation, LLC
PO Box 430
Bridgeport, WV 26330

This is to certify that the above information is true and accurate and complete representation of a true and correct document delivered in the regular course of business.
Technician A Date Processed 7/30/19

PUCO

2019 JUL 29 PM 2:04

RECEIVED-DOCKETING DIV.

July 3, 2019

Pasco Altovilla
P.O. Box 430
Bridgeport, WV 26330

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3207302697C

Dear Sir or Madam:

On 05/01/2019, a vehicle operated by ENERGY TRANSPORTATION LLC, and driven by, PENNESI, JAMES E was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified ENERGY TRANSPORTATION LLC pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against ENERGY TRANSPORTATION LLC in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.600 C	HazMat	Offer or transport without emergency response information	\$ 2,160.00
177.823 A	HazMat	No placards/markings when required	\$ 4,320.00
178.345 -8A5	HazMat	DOT406/407/412 minimum road clearance	\$ 0.00
178.345 -10	HazMat	DOT406/407/412 Pressure Relief	\$ 4,320.00

Original Amount Due: \$10,800.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which ENERGY TRANSPORTATION LLC had a full opportunity to present reasons why the violation(s) 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 the Staff.

As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against ENERGY TRANSPORTATION LLC in the following amount:



<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.600 C	HazMat	Offer or transport without emergency response information	\$ 2,160.00
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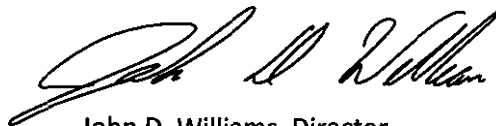
New Amount Due: \$10,800.00

Within 30 days of this notice you must either: 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). 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. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

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

Sincerely,



John D. Williams, Director
Transportation Department

cc: Thomas Persinger



INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

Please read these instruction sheets carefully. They contain 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 4901:2-7-12, Ohio Administrative Code (OAC). Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing. If you do not pay the forfeiture or request a hearing within 30 days of this notice, your case will be placed in our default process. Additionally, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

How to pay the forfeiture

Online <https://www.puco.ohio.gov/sc/mcos/>
Enter the case number and PIN located on the enclosed invoice.

Mail Public Utilities Commission of Ohio
Attn: Fiscal Section
180 E. Broad Street, 4th Floor
Columbus, Ohio 43215-3793

Send check/money order (no foreign checks/money orders) made payable to "**Public Utilities Commission of Ohio**". To ensure proper credit, write the case number on the face of the check or money order.

* Payments cannot be completed by telephone

How to make 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, OAC.

Your "Request for an Administrative Hearing" must be in writing and must contain the case number found at the top of the "Notice of Preliminary Determination." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. The request shall be signed by the Respondent or the Respondent's authorized representative. A copy of the "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 E. Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Failure to submit a Request for 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. Also, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule 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 (CFR). Some section numbers may have suffixes beyond those appearing in the CFR. These are used for internal data collections purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

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

