

August 7, 2019

Ohio Public Utilities Commission
ATTN: Lauren L. Augostini, Attorney Examiner
180 East Broad Street
Columbus, OH 43215-3793

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RE: Case No. 19-1104-TR-CVF
(OH238003630D)

Case No. 19-1105-TR-CVF
(OH238003630C)

Dear Ms. Augostini:

I am writing in response to the correspondence received (copy enclosed) regarding a hearing scheduled for September 24, 2019 at 10:00am. I will be out of town on this date (September 24th), and respectfully request that this hearing be rescheduled. I am available any date during the month of October 2019.

Please advise accordingly and thank you for your consideration.

Sincerely,

Michael B. Davet /msd

Michael B. Davet

Enclosures

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THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MICHAEL DAVET,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1104-TR-CVF
(OH238003630D)

CASE NO. 19-1105-TR-CVF
(OH238003630C)

ENTRY

Entered in the Journal on July 31, 2019

{¶ 1} Staff served a notice of preliminary determination upon carrier Northeastern Inc., and a notice of preliminary determination upon driver Michael B. Davet (collectively, Respondents) in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 2} On May 14, 2019, Michael B. Davet, on behalf of Respondents, requested an administrative hearing in both of the above-captioned cases regarding the alleged carrier and driver violations in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On May 29, 2019, the attorney examiner scheduled a prehearing conference to convene on June 25, 2019, pursuant to Ohio Adm.Code 4901:2-7-16(B). During the prehearing conference, Respondents and Staff were unable to reach a settlement.

{¶ 4} Accordingly, the attorney examiner schedules a hearing for September 24, 2019, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 5} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 6} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondents committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondents to present evidence supporting their contentions regarding the alleged violation in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

NJW/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/31/2019 2:24:46 PM

in

Case No(s). 19-1104-TR-CVF, 19-1105-TR-CVF

Summary: Attorney Examiner Entry scheduling hearing electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio