

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF EXCARGO LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1585-TR-CVF
(OH0163000359C)

ENTRY

Entered in the Journal on November 20, 2019

{¶ 1} Staff served a notice of preliminary determination (NPD) upon Excargo LLC (Respondent), alleging a violation of the Commission's transportation regulations.

{¶ 2} On August 14, 2019, Michael Yemc, Esq., counsel for Respondent, requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Respondent and Staff participated in a prehearing conference on October 17, 2019, but the matter was not resolved.

{¶ 3} Accordingly, the attorney examiner sets this case for hearing on Thursday, January 16, 2020, at 10:00 a.m., in Hearing Room 11B at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793.

{¶ 4} At the evidentiary hearing, Staff must prove that Respondent committed the violations alleged in the NPD by a preponderance of the evidence. Ohio Adm.Code 4901:2-7-20. Following Staff's presentation of the evidence, Respondent will have the opportunity to present testimony and other evidence supporting Respondent's contentions regarding the alleged violations.

{¶ 5} Pursuant to Ohio Adm.Code 4901:2-7-14, a respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violations charged and to have waived all further right to contest liability for the forfeiture proposed in the NPD.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That this case be set for hearing on December 12, 2019, as stated in Paragraph 3. 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/Michael L. Williams

By: Michael L. Williams
Attorney Examiner

JRJ/hac

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in

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