

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF PC TRUCKING LLC  
AND PHILLIP CLUM, NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 19-2232-TR-CVF  
(OH3288012046C)  
(OH3288012046D)

### ENTRY

Entered in the Journal on March 11, 2020

{¶ 1} Staff served a notice of preliminary determination upon PC Trucking LLC and Phillip Clum (Respondents) in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 2} On December 20, 2019, Respondents requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On January 14, 2020, the attorney examiner scheduled a prehearing conference for February 5, 2020. During the prehearing conference, Respondents and Staff were unable to reach a settlement.

{¶ 4} On February 6, 2020, the attorney examiner scheduled an evidentiary hearing for March 12, 2020, at the Commission offices.

{¶ 5} Due to scheduling conflicts at the Commission, the attorney examiner reschedules the hearing for May 27, 2020, 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.

{¶ 6} 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.

{¶ 7} Ohio Adm.Code 4901-1-08 requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio. Pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear before the Commission in the determination of transportation matters involving questions of fact only. However, such an employee cannot act as an attorney.

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

{¶ 9} 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 violations in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing scheduled for March 12, 2020, be rescheduled for May 27, 2020, in accordance with Paragraph 5. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor  
Attorney Examiner

JRJ/mef

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 19-2232-TR-CVF**

Summary: Attorney Examiner Entry ordering the hearing scheduled for 3.12.20 to be postponed until 5.27.20 at 10:00 a.m. electronically filed by Mrs. Kelli C King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio