

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
Brian L. Soule Notice :Case No.
of Apparent Violation and :19-1858-TR-CVF
Intent to Assess Forfeiture.:

- - -

PROCEEDINGS

Before Michael Williams, Attorney Examiner, held
at the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-D, Columbus,
Ohio, on Thursday, March 5, 2020, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

1 APPEARANCES:

2 Mr. Werner L. Margard
3 Assistant Attorney General
4 30 East Broad Street, 16th Floor
5 Columbus, Ohio 43215

6 On behalf of the Staff of
7 the Public Utilities
8 Commission of Ohio.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

1 Thursday Morning Session,
2 March 5, 2020.

3 - - -

4 ATTORNEY EXAMINER: Good morning,
5 everyone. The Public Utilities Commission of
6 Ohio has assigned for hearing at this time and
7 place Case No. 19-1858-TR-CVF being In the
8 Matter of Brian L. Soule Notice of Apparent
9 Violation and Intent to Assess Forfeiture.

10 My name is Michael Williams, I am
11 the Attorney Examiner assigned by the Commission
12 to hear this case. At this time I will take
13 appearances from the parties.

14 MR. MARGARD: Thank you, Your Honor.
15 On behalf of the Transportation Staff of the
16 Public Utilities Commission of Ohio, Dave Yost,
17 Ohio Attorney General; John Jones, Section Chief
18 Public Utilities Section; by Assistant Attorney
19 General Werner L. Margard, 30 East Broad Street,
20 16th Floor, Columbus, Ohio.

21 ATTORNEY EXAMINER: Thank you, sir.
22 I note that there is no one here on behalf of
23 Respondent. Mr. Margard, I will allow you to
24 explain communications you have had with
25 Respondent and with the company in advance of

1 this morning's hearing.

2 MR. MARGARD: Thank you, Your Honor.
3 Given the unique posture of this case there have
4 been numerous communications with the Respondent
5 and with the Respondent's employer's safety
6 compliance officer trying to ensure that they
7 understood what was going to happen today, and
8 how the process was going to work out.

9 In the course of those conversations
10 I learned yesterday, late yesterday afternoon,
11 that Mr. Soule did not intend to pursue this
12 matter any further, and did not intend to appear
13 today.

14 I called him directly and spoke with
15 him and he confirmed that for me. I then spoke
16 with Ms. Heidi Webber, who is the safety
17 compliance officer for Countryside, and she
18 confirmed that information for me as well.

19 They both indicated that they were
20 satisfied with the state of affairs and had no
21 intention of pursuing the matter further.

22 Consequently, Your Honor, I
23 respectfully renew my motion to dismiss this
24 matter.

25 ATTORNEY EXAMINER: Thank you, Mr.

1 Margard. So with your motion to dismiss from
2 February 21st, 2020 that is pending, that will
3 be considered by the Attorney Examiner as part
4 of the consideration in this case.

5 Do you have any other motions or
6 arguments you intend to make this morning, sir?

7 MR. MARGARD: Only to note, Your
8 Honor, that by failing to appear on a request
9 for hearing the Respondent is also in default of
10 his request for hearing, and consequently, the
11 matter should be judged against him on those
12 grounds.

13 But in as much as he has already
14 been found to be in default and his forfeiture
15 has already been paid in full, I believe that
16 the proper recourse in this matter is to dismiss
17 it.

18 ATTORNEY EXAMINER: Thank you, sir.
19 So I understand there are requests to dismiss
20 based on the issues outlined in your February
21 21st motion, as well as based on the default
22 based on failure to appear. I would note that
23 we put Respondent on notice in at least two of
24 our entries regarding the fact that his failure
25 to appear would subject his case to a default

1 ruling as well.

2 I would also note in the entry that
3 we published February 25th that we did outline
4 specific issues and facts that were ripe for
5 consideration in this case and would be further
6 explored should the Respondent appear today on
7 his own behalf.

8 With all those findings noted on the
9 record, I will take this matter under
10 advisement, and I will get a decision out within
11 the next month or two.

12 MR. MARGARD: Thank you, Your Honor.

13 ATTORNEY EXAMINER: Thank you,
14 everyone, for your time this morning.

15 (At 10:05 A.M. the hearing was
16 concluded)

17 - - -

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on March
5, 2020, and carefully compared with my original
stenographic notes.

Michael O. Spencer
Michael O. Spencer,
Registered Professional
Reporter.

- - -



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/12/2020 3:37:58 PM

in

Case No(s). 19-1858-TR-CVF

Summary: Transcript In the Matter of Brian L. Soule Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on March 5th, 2020. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.