

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF STEVEN P.
UPCHURCH, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 19-2237-TR-CVF
(OH 3230014289D)

ENTRY

Entered in the Journal on April 2, 2020

{¶ 1} Staff served a notice of preliminary determination upon Steven P. Upchurch (Respondent) in accordance with Ohio Adm.Code 4901:2-7-07, alleging a violation of the Commission's transportation regulations.

{¶ 2} On December 27, 2019, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Along with the request, Respondent also filed a motion to dismiss and a discovery request.

{¶ 3} As set forth in Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 4} By Entry dated January 7, 2020, the attorney examiner directed the parties to participate in a prehearing conference on February 11, 2020. However, the attorney examiner was unable to reach Respondent via telephone.

{¶ 5} On February 14, 2020, Staff filed a memorandum contra Respondent's motion to dismiss and discovery request.

{¶ 6} By Entry dated February 20, 2020, the attorney examiner scheduled another prehearing conference in this matter for March 17, 2020.

{¶ 7} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department

of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety.

{¶ 8} As a result of the Executive Order, beginning March 13, 2020, the Commission reduced on-site staffing and most employees began working from home to reduce exposure to COVID-19.

{¶ 9} On March 17, 2020, prior to the scheduled prehearing conference, the attorney examiner contacted Respondent by telephone to provide him conference line information so that Staff, Respondent, and the attorney examiner could all remotely participate in the conference. However, Respondent indicated he was driving and was unable to write down the conference line information. Consequently, the prehearing conference did not occur.

{¶ 10} At this juncture, the attorney examiner finds that another prehearing conference should be scheduled for April 28, 2020, at 10:00 a.m., Eastern Daylight time, which will be conducted telephonically. The parties should use the following conference line information to participate:

- Toll-free dial-in number (U.S. and Canada): 866-209-2820
- Conference code: 4172579639

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a third prehearing conference in this case be scheduled in accordance with Paragraph 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

SJP/kck

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in

Case No(s). 19-2237-TR-CVF

Summary: Attorney Examiner Entry scheduling a 3rd pre-hearing conference for 4.28.20 at 10:00 a.m via telephone. Dial in # is (866) 209-2820; conference code # 4172579639. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio