

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE PURSUANCE OF
DEFAULTS IN ACCORDANCE WITH OHIO
ADM.CODE 4901:1-2-14.**

CASE NO. 20-639-AU-UTC

FINDING AND ORDER

Entered in the Journal on April 8, 2020

I. SUMMARY

{¶ 1} In this Finding and Order, the Commission directs each identified respondent to pay the forfeiture amount indicated or demonstrate why it is not in default.

II. APPLICABLE LAW

{¶ 2} R.C. 4913.09 authorizes the Staff of the Commission (Staff) to conduct an inquiry upon receiving a request by an aggrieved person made under R.C. 4913.05, which shall be limited to whether there was a compliance failure.

{¶ 3} R.C. 4913.13 authorizes the Staff to make a report of each such inquiry available to the underground technical committee.

{¶ 4} R.C. 4913.15 authorizes the underground technical committee to review every report and make a written recommendation to the Commission as to the imposition of a fine, a penalty, or a combination of fines and penalties, determine that no enforcement action should be taken and notify the Commission in writing of the determination, or request a hearing.

{¶ 5} Pursuant to Ohio Adm.Code 4901:1-2-13, within ten business days of receiving from the underground technical committee either a recommendation to impose a fine or penalty or a determination that no enforcement action should be taken, the Staff will serve upon the participants a letter notifying the participants of any fine or penalty or of a no-enforcement determination.

{¶ 6} R.C. 4913.22 requires that a person subject to a fine shall pay the fine not later than 60 days after the fine is imposed. A person subject to a penalty imposed under any of those sections or that division shall begin compliance with the penalty not later than 30 days after the penalty is imposed.

{¶ 7} Pursuant to R.C. 4913.25, if either the person that requested the inquiry or the person responsible for the compliance failure disagrees with either a finding or a no-enforcement determination made by the underground technical committee, either person may, not later than 30 days after receiving notice, file a written application with the Commission for reconsideration of the underground technical committee's finding.

{¶ 8} Pursuant to Ohio Adm.Code 4901:1-2-14, a respondent subject to a fine or penalty who fails within 60 days to pay the fine, who fails to begin compliance with the penalty within 30 days, or who fails to file a application for reconsideration within 30 days, shall be in default.

{¶ 9} A person responsible for a compliance failure in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability under R.C. Chapter 4913 for the fine or penalty set forth in the letter or to further contest the fine or penalty through a request for reconsideration. Ohio Adm.Code 4901:1-2-14.

{¶ 10} Pursuant to Ohio Adm.Code 4901:1-2-14, the attorney general, upon the written request of the Commission, shall bring a civil action in the court of common pleas of Franklin County to collect a fine or enforce a penalty assessed under this section.

III. DISCUSSION

{¶ 11} The respondents listed in the attachment have been served with a letter in accordance with Ohio Adm.Code 4901:1-2-13 and have neither: paid the fine indicated in the letter, complied with the penalty indicated in the letter, nor filed a written application with the Commission for reconsideration of the underground technical committee's finding

in accordance with R.C. 4913.25. Each respondent therefore is in default, pursuant to Ohio Adm.Code 4901:1-2-14, and is liable for the amount indicated in the attachment.

{¶ 12} Before the Commission forwards the attachment to the Ohio Attorney General's Office so that it may undertake further collection efforts against the identified respondents, each respondent will be granted a final opportunity to pay the civil forfeiture, comply with the penalty, or demonstrate why it is not in default. A respondent may serve upon Staff a response to this Finding and Order demonstrating that it was not properly served with the letter, it previously paid the civil forfeiture, it complied with the penalty, or it filed a written application for reconsideration within 30 days of receipt of the letter. This response shall be made by email to DamagePrevention@puco.ohio.gov, by May 8, 2020.

{¶ 13} The Staff shall review the responses, confer with the underground technical committee, and remove cases from this proceeding for which a respondent has demonstrated that it is not in default. After May 8, 2020, the Staff shall forward a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section.

IV. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That by May 8, 2020, each respondent listed in the attachment to this Finding and Order pay the forfeiture amount indicated, comply with the penalty, or demonstrate why it is not in default. It is, further,

{¶ 16} ORDERED, That the Staff confer with the underground technical committee and remove from this proceeding cases for which a respondent demonstrates that it is not in default. It is, further,

{¶ 17} ORDERED, That after May 8, 2020, the Staff submit a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section. It is, further,

{¶ 18} ORDERED, That a copy of this Finding and Order be served upon each respondent.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JRJ/mef

AG Referral List

UTC Case Number	Account Name	Street Address	City	State	Zip	Fine Amount
17-00063	Thayer Power & Communications	117 Cypress St. SW	Reynoldsburg	OH	43068	\$500
18-00002	Clayton Homes	5000 Clayton Rd.	Maryville	TN	37804	\$500
18-00025	Trenton, Inc.	P.O. Box 337	Amanda	OH	43102	\$500
18-00026	Trenton, Inc.	P.O. Box 337	Amanda	OH	43102	\$500
18-00027	Trenton, Inc.	P.O. Box 337	Amanda	OH	43102	\$500
18-00028	Trenton, Inc.	P.O. Box 337	Amanda	OH	43102	\$500
18-00052	GLW Broadband	993 Commerce Dr.	Grafton	OH	44044	\$500

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Summary: Finding & Order directing each identified respondent to pay the forfeiture amount indicated or demonstrate why it is not in default electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio