

## 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  
(OH3230014289D)

### ENTRY

Entered in the Journal on July 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.

{¶ 3} By Entry dated May 1, 2020, the attorney examiner scheduled a hearing in this matter for July 29, 2020.

{¶ 4} 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.

{¶ 5} 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.

{¶ 6} Accordingly, the attorney examiner reschedules the hearing set for this matter to November 3, 2020, at 10:00 a.m. Given the current COVID-19 health emergency, this hearing will be held remotely. The attorney examiner will provide additional details to the

parties as those details emerge.

{¶ 7} 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.

{¶ 8} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violation, 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 Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing be rescheduled for November 3, 2020, in accordance with Paragraph 6. It is, further,

{¶ 12} 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/mef

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

**Commission of Ohio Docketing Information System on**

**7/2/2020 9:13:46 AM**

**in**

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

Summary: Attorney Examiner Entry rescheduling the hearing set in this matter for 11/3/20 at 10:00 am electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission