

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Viox Services, Inc., Notice)
of Apparent Violation and Intent to Assess) Case No. 05-1392-TR-CVF
Forfeiture.) (OH3284001996C)

ENTRY

The Commission finds:

- (1) On May 20, 2005, a vehicle operated by Viox Services, Inc. (respondent, company) was inspected within the state of Ohio. As a result of the inspection, respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code. This notice indicated staff's intention to assess civil forfeitures totaling \$300.00 for violations of the Code of Federal Regulations (C.F.R.).
- (2) On November 14, 2005, respondent requested an administrative hearing, thereby initiating this case.
- (3) The parties filed a settlement agreement under which respondent agreed to make payment of a civil forfeiture. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
 - (a) Staff concluded the inspection revealed the following apparent violations of OAC 4901:2-5-02:
 - i. 393.209D - Steering system components at left pitman arm, loose on the steering gear box output shaft;
 - ii. 393.48A - Left front steer axle brake lining at bottom, evidence of contamination;
 - iii. 393.47 - Inadequate brake lining, right front steer axle at the brake lining is split.

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Technician Y.M. Date Rec'd 7/26/06

- (b) The company withdraws its requests for an administrative hearing on the violations discovered in the inspection.
- (c) The parties agree to a civil forfeiture of \$210.00.
- (d) The civil forfeiture shall be paid by business check or money order made payable to "Treasurer State of Ohio" and it shall be mailed to PUCO Fiscal, 180 E. Broad St., 13th floor, Columbus, OH 43215-3793; the case number should appear on the face of the check. Payment shall be submitted within 30 days of the receipt of the Commission order adopting this settlement agreement.
- (e) For purposes of settlement, and not as an admission or evidence that the violations occurred, the company agrees that the following findings of violation may be included in the company's Safety-Net record and in the company's history of violations insofar as they may be relevant for purposes of determining future penalty actions:
 - i. 393.209D - Steering system components at left pitman arm, loose on the steering gear box output shaft;
 - ii. 393.48A - Left front steer axle brake lining at bottom, evidence of contamination;
 - iii. 393.47 - Inadequate brake lining, right front steer axle at the brake lining is split.
- (f) This settlement agreement shall not become effective until adopted by the Public Utilities Commission of Ohio.

- (4) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,

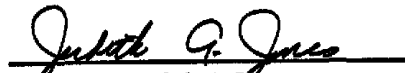
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,


ORDERED, That Case No. 05-1392-TR-CVF be closed of record.

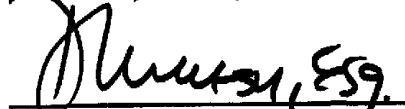
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones

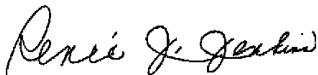

Valerie A. Lemmie


Donald L. Mason

KKS/vrm

Entered in the Journal

JUL 26 2006



Renee J. Jenkins
Secretary