

in accordance with Rule 4901-1-35, O.A.C. Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C.

II. History

- A. On December 18, 2005, a vehicle operated by Mr. Speirs was inspected within the State of Ohio.
- B. As a result of the inspection, Mr. Speirs was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. The preliminary determination assessed Mr. Speirs \$500.00 for violation of O.A.C. 4901:2-5-02 incorporating C.F.R. Part 49 §395.8 no driver record of duty status, §393.43 breakaway device inoperable, §392.2 failure to maintain SSRS receipt in vehicle, and §391.11(b)(5) failure to produce corrective lenses as required of the Federal Code of Regulations.
- C. Mr. Speirs requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.

III. Settlement Agreement

The Staff and Mr. Speirs agree and recommend that the Commission find as follows:

- A. Mr. Speirs agrees to a finding that it violated O.A.C. 4901:2-5-02 incorporating C.F.R. Part 49 §395.8 no driver record of duty status, §393.43 breakaway device inoperable, §392.2 failure to maintain SSRS receipt in

vehicle, and §391.11(b)(5) failure to produce corrective lenses as required of the Federal Code of Regulations, and that such findings may be included in Mr. Speirs' Safety-Net Record and history of violations, for purposes of determining future penalty actions.

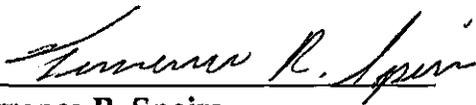
- B. Mr. Speirs and the Staff agree that the civil forfeiture totaling \$500.00, shall be reduced to \$350.00. This Settlement Agreement shall not become effective until adopted by an Order of the Commission. Mr. Speirs and Staff also agree that the civil forfeiture of \$350.00 for the violation shall be paid within thirty (30) days of the Commission's adoption of this Settlement Agreement.
- C. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. This agreement shall not be used in any other case or proceeding, except in any action that may be required to enforce the terms of this agreement.

IV. Conclusion

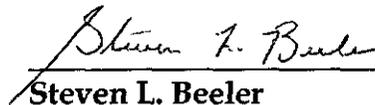
The undersigned respectfully request that the Commission adopt the agreement in its entirety.

The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below on this 11 day of November, 2006.

On Behalf of the Staff of the
Public Utilities Commission of
Ohio



Terrence R. Speirs
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