

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of)
Hi-Grade Oil Co. for an Administrative) Case No. 05-769-TR-CVF
Hearing.)

FINDING AND ORDER

The Commission finds:

- (1) Hi-Grade Oil Co. (Respondent) was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). In the notice of preliminary determination, the Commission Staff proposed a forfeiture of \$675.00 for alleged violations of the shipping paper requirements of the Hazardous Materials Regulations, 49 C.F.R. Section 177.817, as adopted by this Commission.
- (2) On June 14, 2005, Respondent filed a request for an administrative hearing regarding the notice of preliminary determination issued by the Staff.
- (3) On August 14, 2006, the Staff and the Respondent filed a settlement agreement in this case. Among the terms of the settlement agreement, the Respondent agrees to make payment of a civil forfeiture of \$337.50. The settlement agreement resolves all factual and legal issues in this case.
- (4) Rules 4901-1-30 and 4901:2-7-11, O.A.C., authorize parties to these proceedings to enter into stipulations and settlement agreements. Although not binding upon the Commission, stipulations are entitled to careful scrutiny and consideration, particularly where all parties have joined together in the stipulation. *See, Cincinnati Gas and Electric Company*, Case No. 76-302-EL-AIR (Opinion and Order dated May 4, 1977). The settlement agreement entered into between the Staff and Respondent represents a fair and equitable settlement of this matter and should be approved and adopted by the Commission.

It is, therefore,

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ORDERED, That the terms and conditions of the settlement agreement entered into between the Staff and Hi-Grade Oil Co. be approved and adopted by this Finding and Order. It is, further,

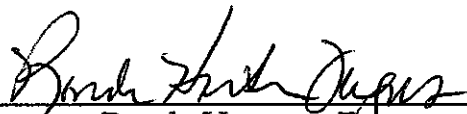
ORDERED, That this case be closed of record. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

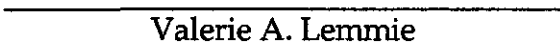
THE PUBLIC UTILITIES COMMISSION OF OHIO



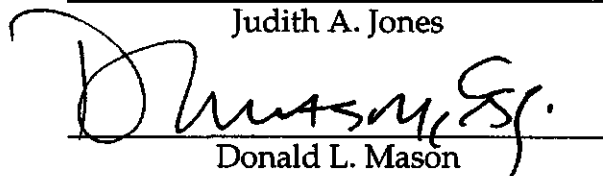
Alan R. Schriber, Chairman



Ronda Hartman Fergus



Valerie A. Lemmie



Judith A. Jones

Donald L. Mason

GAP:ct

Entered in the Journal
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Renee J. Jenkins
Secretary