

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of K & B Transportation Inc., )  
Notice of Apparent Violation and Intent to ) Case No. 06-582-TR-CVF  
Assess Forfeiture. ) (OH3256002120C)

ENTRY

The Commission finds:

- (1) On September 30, 2005, a vehicle operated by K & B Transportation Inc (respondent) 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 a civil forfeiture of \$100.00 for the following violation of the Code of Federal Regulations (C.F.R.): 49 C.F.R. 392.9, driver load securement - cargo not secured.
- (2) On April 13, 2006, respondent requested an administrative hearing, thereby initiating this case.
- (3) The parties filed a settlement agreement under which respondent agreed to make payment of the civil forfeiture. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
  - (a) K & B Transportation agrees to a finding that it violated Rule 4901:2-5-02, incorporating 49 C.F.R. 392.9 driver load securement - cargo not secured, and that such finding may be included in K & B Transportation's Safety-Net Record and history of violations, for purposes of determining future penalty actions.
  - (b) K & B Transportation and the Staff agree that the civil forfeiture for violating Section 392.9, totaling \$100.00, shall be paid in full to the Commission. This Settlement Agreement shall not become effective until adopted by an order of the Commission. K & B Transportation and Staff also agree that the civil forfeiture of \$100.00 for the

violation shall be paid within 30 days of the Commission's adoption of this Settlement Agreement. Payment should be made by certified check or money order to "Treasurer State of Ohio," and mailed to PUCO FISCAL, 180 East Broad Street, 13<sup>th</sup> Floor, Columbus, Ohio 43215-3793.

- (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.
- (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.

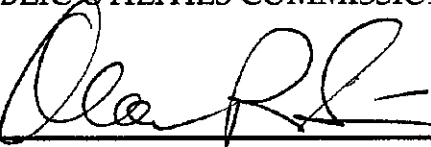
It is, therefore,

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

ORDERED, That Case No. 06-582-TR-CVF be closed of record.

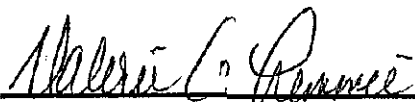
ORDERED, That a copy of this entry be served upon each party of record.

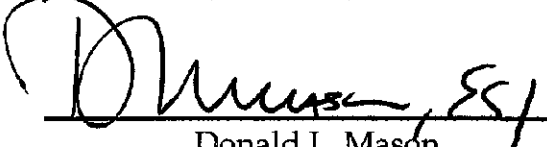
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Alan R. Schriber, Chairman

  
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Ronda Hartman Fergus

  
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Judith A. Jones

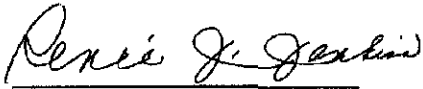
  
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Valerie A. Lemmie

  
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Donald L. Mason

KKS/vrm

Entered in the Journal

**DEC 20 2006**

  
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Renee J. Jenkins  
Secretary