

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Brookville Carriers Flatbed)
LP, Notice of Apparent Violation and) Case No. 06-1351-TR-CVF
Intent to Assess Forfeiture.) (OH3225300479C)

ENTRY

The Commission finds:

- (1) On January 31, 2006, a vehicle operated by Brookville Carriers Flatbed LP (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 \$100.00 civil forfeiture for the following violation of the Code of Federal Regulations (C.F.R.): 49 C.F.R. Section 393.104 (f)(3)—loose/unfastened tie-down.
- (2) Respondent requested an administrative hearing, thereby initiating this case.
- (3) The parties filed a settlement agreement. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
 - (a) For purposes of settlement, Brookville Carriers agrees to a finding that it violated O.A.C. 4901:2-5-02 incorporating 49 C.F.R. Section 393.104(f)(3) loose/unfastened tie-down of the Federal Code of Regulations, and that such findings may be included in its Safety-Net Record and history of violations, for purposes of determining future penalty actions.
 - (b) Brookville Carriers and the staff agree that the civil forfeiture for Section 393.104(f)(3), totaling \$100.00, shall be withdrawn. This settlement agreement shall not become effective until adopted by an order of the Commission.

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- (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 as otherwise provided herein, or 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. 06-1351-TR-CVF be closed of record. It is, further,

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

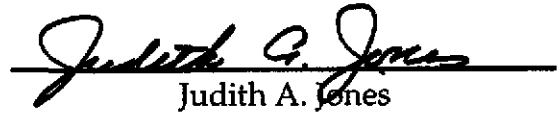
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



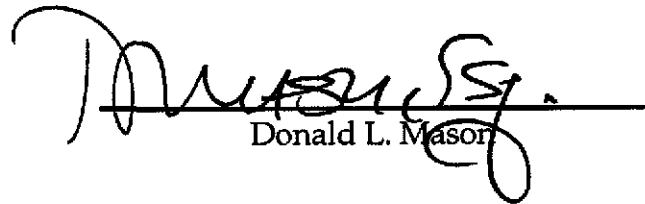
Ronda Hartman Fergus



Judith A. Jones



Valerie A. Lemmie



Donald L. Mason

KKS/vrm

Entered in the Journal

MAR 07 2007



Renee J. Jenkins
Secretary