

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Arctic)
Express, Inc., for an Administrative) Case No. 05-899-TR-CVF
Hearing.)

FINDING AND ORDER

The Commission finds:

- (1) Arctic Express, Inc., (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 \$4,095.00 for alleged violations of the shipping paper, placarding and marking requirements of the Hazardous Materials Regulations, 49 C.F.R. Parts 171-180, as adopted by this Commission.
- (2) On July 14, 2005, Respondent filed a request for an administrative hearing regarding the notice of preliminary determination issued by the Staff.
- (3) On March 2, 2007, 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 \$2,047.50. 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,

ORDERED, That the terms and conditions of the settlement agreement entered into between the Staff and Arctic Express, Inc., be approved and adopted by this Finding and Order. It is, further,

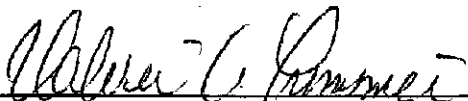
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

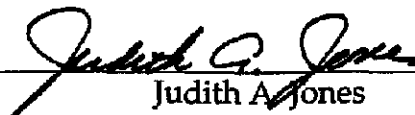


Alan R. Schriber, Chairman

Ronda Hartman Fergus



Valerie A. Lemmie



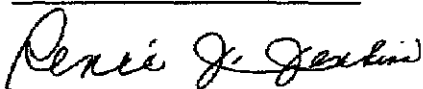
Judith A. Jones

Donald L. Mason

GAP:ct

Entered in the Journal

MAR 21 2007



Renee J. Jenkins
Secretary