

FILE

4

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV
2007 APR 16 PM 4:03

PUCO

In the Matter **Stony Run Enterprises, Inc.**)
Notice of Apparent Violation and Intent to)
Assess Forfeiture.)

Case No. 07-50-TR-CVF
OH321130103C

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code, (O.A.C.) Stony Run Enterprises Inc. (Stony Run Enterprises or Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above captioned case.

It is understood by Stony Run Enterprises and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement however, is based on the parties' desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, Stony Run Enterprises and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This agreement shall not become effective until adopted and approved by the Commission pursuant to Rule 4901:2-7-11(C), O.A.C. The date of any entry or order of the Commission adopting this settlement agreement shall be considered the effective date of this settlement agreement. The Respondent further waives its right to rehearing 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.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Ann Date Processed 4/16/07

II. History

- A. On August 18, 2006, a vehicle operated by Mr. Robert E. Sizemore was inspected within the State of Ohio.
- B. As a result of the inspection, Stony Run Enterprises was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. The preliminary determination assessed Stony Run Enterprises \$680.00 for violations of O.A.C. 4901:2-5-02 incorporating Part 49 §392.9a(a) operating beyond the scope of operating authority; §172.602(c)(1) ER information not accessible; §178.340-10(b) metal certification plate; and §173.33(a) cargo tank general requirements – no ASME plate of the Federal Code of Regulations.
- C. Stony Run Enterprises requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.

III. Settlement Agreement

The Staff and Stony Run Enterprises agree and recommend that the Commission find as follows:

- A. For purposes of settlement only and not as an admission or evidence that the violations occurred, Stony Run Enterprises agrees to a finding that the violations of O.A.C. 4901:2-5-02 incorporating Part 49 §392.9a(a) operating beyond the scope of operating authority; §172.602(c)(1) ER information not accessible; §178.340-10(b) metal certification plate; and §173.33(a) cargo tank general requirements – no ASME plate of the Federal Code of Regulations may be included in Stony Run Enterprises' Safety-Net Record and history of violations for purposes of determining future penalty actions.

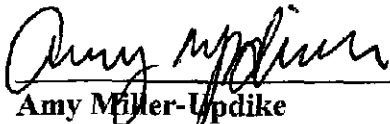
- B. Stony Run Enterprises and the Staff agree that the civil forfeiture totaling \$680.00 shall be reduced to \$180.00. Upon further investigation by Staff, it was determined that the Respondent had obtained the correct amount of insurance but had not communicated the information to the registration department prior to the inspection. The company was properly insured during the time of the inspection. As a result, the forfeiture was reduced.
- C. This Settlement Agreement shall not become effective until adopted by an Order of the Commission. Stony Run Enterprises and Staff also agree that the civil forfeiture of \$180.00 for the violation shall be paid within thirty (30) days of the Commission's adoption of this Settlement Agreement.
- D. 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.

IV. Conclusion

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

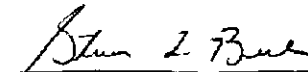
The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below on this 16th day of April, 2007.

On Behalf of Stony Run Enterprises



Amy Miller-Updike
Stony Run Enterprises, Inc.
3772 Old Oxford Rd.
Hamilton, OH 45013

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



Steven L. Beeler
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793