

1       BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3   In the Matter of the       :  
4   Request of Van Johnson    :  
5   Construction, Inc. for an : Case No. 05-685-TR-CVF  
6   Administrative Hearing.    :

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6                   PROCEEDINGS

7   before Mr. Gregory A. Price, Hearing Examiner, at the  
8   Public Utilities Commission of Ohio, 180 East Broad  
9   Street, Room 11-F, Columbus, Ohio, called at 10:00  
10  a.m. on Tuesday, October 7, 2008.

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22           ARMSTRONG & OKEY, INC.

185 South Fifth Street, Suite 101

23           Columbus, Ohio 43215-5201

(614) 224-9481 - (800) 223-9481

24           Fax - (614) 224-5724

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1 APPEARANCE:

2 Nancy H. Rogers, Ohio Attorney General  
Duane W. Luckey  
3 Senior Deputy Attorney General  
Public Utilities Section  
4 By Mr. Werner L. Margard III  
and Mr. Thomas G. Lindgren  
5 Assistant Attorneys General  
180 East Broad Street, 9th Floor  
6 Columbus, Ohio 43215-3793

7 On behalf of the staff of the Public  
Utilities Commission of Ohio.

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1 Tuesday Morning Session,

2 October 7, 2008.

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4 THE EXAMINER: Good morning. The Public

5 Utilities Commission has set for hearing at this time

6 and this place case number 05-685-TR-CVF in the

7 matter of the request of Van Johnson Construction

8 Inc. for an administrative hearing. My name is

9 Gregory Price. I'm the attorney-examiner assigned to

10 preside over today's hearing.

11 Let's take appearances beginning with the

12 staff.

13 MR. MARGARD: Thank you, your Honor. On

14 behalf of the transportation staff of the Public

15 Utilities Commission of Ohio, Nancy H. Rogers,

16 Attorney General, Duane W. Luckey, Section Chief, by

17 Assistant Attorneys General Werner L. Margard and

18 Thomas G. Lindgren, 180 East Broad Street, 9th

19 floor, Columbus, Ohio 43215.

20 THE EXAMINER: Thank you.

21 In light of the fact, for the record, the  
22 fact that respondent's counsel has not attended  
23 today's hearing, they did in fact file a motion for  
24 continuance yesterday, although it was made clear to  
25 all the parties prior to today's hearing that the

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1 request for continuance had not been granted prior to  
2 the hearing.

3 Speaking of the request for hearing, we  
4 have before us the motion for continuance in this  
5 proceeding. Mr. Margard, would you like to rise in  
6 support of the motion for continuance?

7 MR. MARGARD: Your Honor, at the time  
8 that the motion for continuance was filed, staff had  
9 indicated that it did not oppose the request,  
10 although we did not specifically support it.  
11 However, circumstances are such that the inspector  
12 that staff was intending to call has been involved in  
13 an automobile accident on her way to this hearing and  
14 is currently not available to testify, we would,  
15 therefore, now support the motion for a continuance.

16 THE EXAMINER: In light of the  
17 extraordinary circumstances, staff witness is  
18 unavailable, I will grant the motion for a  
19 continuance notwithstanding the fact that this is no

20 less than our fifth continuance in this proceeding.

21 A new hearing date will be set by subsequent entry.

22 Thank you all.

23 MR. MARGARD: Thank you, your Honor.

24 (The hearing concluded at 10:30 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a  
true and correct transcript of the proceedings taken  
by me in this matter on Tuesday, October 7, 2009, and  
carefully compared with my original stenographic  
notes.

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Maria DiPaolo Jones, Registered  
Diplomate Reporter and CRR and  
Notary Public in and for the  
State of Ohio.

My commission expires June 19, 2011.

(MDJ-3270)

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**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 05-0685-TR-CVF**

Summary: Transcript Van Johnson Construction 10/07/08 electronically filed by Mrs. Jennifer D. Duffer on behalf of Armstrong & Okey, Inc.