

FILE



Equal Opportunity Employer

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Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street, 13<sup>th</sup> Floor  
Columbus, OH 43215-3793

January 21, 2009

**Subject: Request for Administrative Hearing regarding Case No. 3245006670C**

To Whom it May Concern

I am writing on behalf of our contracted driver, Darian Stephens, to request an Administrative hearing for the above case number. As stated in the conference, Mr. Stephens had all the necessary Emergency Response information readily available that the shipper had provided him. However, because the actual book was not readily available, he was assessed this civil forfeiture. Because Mr. Stephens had the necessary information, as stated, we are requesting an Administrative hearing to discuss this further. Mr. Stephens can be contacted directly at 610-704-9226. If you have any questions, please let me know.

Thank you

Angela Phillips  
Safety & Compliance  
Mercer Transportation  
1128 West Main Street  
Louisville, KY 40203  
t: 502-625-3375  
f: 800-433-8512  
[aphillips@merc-trans.com](mailto:aphillips@merc-trans.com)

P.U.C.O.  
HAY MAT COMPLIANCE  
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## The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe,  
adequate and reliable utility services.

Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus  
Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto

January 16, 2009

MR DARIAN STEPHENS  
MERCER TRANSPORTATION CO INC  
1128 WEST MAIN STREET  
LOUISVILLE, KY 40203

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. 3245006670C

Officer:

Dear MR STEPHENS:

On October 29, 2008, a vehicle operated by MERCER TRANSPORTATION CO INC, and driven by DARIAN M STEPHENS, was inspected within the State of Ohio. As the result of discovery of the following apparent violation the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
172.602C1	Maintenance/accessibility of Emergency Respon \$ 660.00

Total Forfeiture Assessed :

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)



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January 16, 2009  
MR DARIAN STEPHENS  
MERCER TRANSPORTATION CO INC  
3245006670C

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against MERCER TRANSPORTATION CO INC in the following forfeiture:

Code	Violation
172.602C1	Maintenance/accessibility of Emergency Respon \$ 660.00

Total Forfeiture Agreed :

Please include a certified check or money order for the N.P.D. forfeiture total, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio