

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of Stewart Trucking LLC, |) | |
| Notice of Apparent Violation |) | Case No. 09-973-TR-CVF |
| And Intent to Assess Forfeiture. |) | (OH 3208301261C) |
| |) | Case No. 09-1025-TR-CVF |
| |) | (OH 3208301261C) |

ENTRY

The attorney examiner finds:

- (1) On September 9, 2009, Commission staff served a notice of preliminary determination upon Stewart Trucking LLC (respondent) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging violations of the Commission's transportation regulations.
- (2) On October 13, 2009, the Commission's Transportation Department received a request from Respondent, in accordance with Rule 4901:2-7-13, O.A.C., for an administrative hearing concerning a May 4, 2009, inspection. The letter included the typed, but not handwritten, signature of Nancy Stewart (Ms. Stewart), representing respondent. The letter was filed with the Commission's Docketing Division on October 20, 2009, and assigned Case No. 09-973-TR-CVF (09-973).
- (3) On October 30, 2009, Ms. Stewart filed a letter with the Commission's Docketing Division requesting an administrative hearing for the same May 4, 2009, inspection. The letter stated Ms. Stewart's understanding that the request had to be handwritten and included a handwritten signature. The Commission's Docketing Division assigned a new case number, Case No. 09-1025-TR-CVF (09-1025), to Ms. Stewart's October 30, 2009, letter.
- (4) Because 09-973 and 09-1025 both concern a request for an administrative hearing for the same May 4, 2009, inspection, the Docketing Division is directed to place copies of all matters from the docket of 09-973 into the 09-1025 and, thereafter, close 09-973.

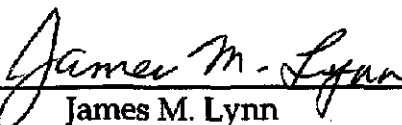
- (5) The parties are directed to participate in a prehearing conference at 10:00 A.M. on February 2, 2010, Eastern Standard Time. At that time, Commission staff will attempt to contact respondent by telephone.

It is, therefore,

ORDERED, That a prehearing conference in this case be scheduled in accordance with Finding (5). It is, further,

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


THE PUBLIC UTILITIES COMMISSION OF OHIO


By: James M. Lynn
Attorney Examiner

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Entered in the Journal

DEC 09 2009


Renee J. Jenkins
Secretary