

NC

10-0071-TR-CVF 3

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of:
Milan Express Co., Inc.

Case No. 3206301639C

REQUEST FOR ADMINISTRATIVE HEARING

Milan Express Co., Inc., by counsel, respectfully requests an administrative hearing in the above referenced case. The full name, address and telephone number of Respondent is as follows:

Milan Express Co., Inc.
P.O. Box 699
1091 Kefauver Drive
Milan, TN 38358
(800) 231-7303

Please send all notices and correspondence relative to this case to counsel for the respondent at the following address:

Michael Spurlock, Esq.
Beery & Spurlock Co., L.P.A.
275 East State Street
Columbus, OH 43215
(614) 228-8575 (Office)
(614) 228-1408 (Fax)

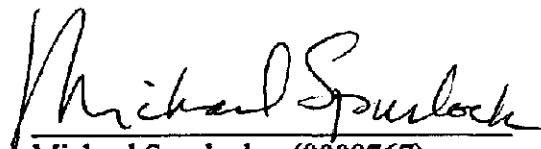
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A copy of the Notice of Preliminary Determination is attached hereto.

Respectfully submitted,



Michael Spurlock (0008767)
BEERY & SPURLOCK CO., L.P.A.
275 East State Street
Columbus, OH 43215
(614) 228-8575 (Office)
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Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

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

December 21, 2009

MICHAEL SPURLOCK
MILAN EXPRESS CO INC
275 E STATE ST
COLUMBUS, OH 43215

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. 3206301639C

Officer:

Dear SPURLOCK:

On September 25, 2009, a vehicle operated by MILAN EXPRESS CO INC, and driven by THOMAS L ROWLEY, 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	
177.834A	PACKAGES NOT SECURED IN VEHICLE	\$ 2240.00

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)



Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

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

December 21, 2009
MICHAEL SPURLOCK
MILAN EXPRESS CO INC
3206301639C

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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 MILAN EXPRESS CO INC in the following forfeiture:

Code	Violation	
177.834A	PACKAGES NOT SECURED IN VEHICLE	\$ 2240.00

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