

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 JUN 16 PM 3: 57

In the Matter of Robert Williams,)
Notice of Apparent Violation and)
Intent to Assess Forfeiture)

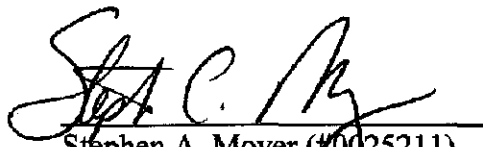
Case No. 10-235-TR-CVT
(OH3202304873D)

PU CO

MOTION FOR ISSUANCE OF SUBPOENA

Now comes Respondent Robert Williams, by and through counsel, pursuant to O.A.C. 4900-1-25, and respectfully requests the Public Utilities Commission, to issue a Subpoena Duces Tecum, upon Crown Equipment Corporation, 410 Grand Lake Road, Celina, Ohio 45822, a copy of which is enclosed for the commission's approval and execution, upon Crown Equipment Corporation, its custodian of records, to produce a certified copy of certain documents and information related to its shipment of industrial equipment and batteries, particularly indicating the lift truck and pallet jack model numbers, as well as the model numbers for batteries, which was shipped on or about October 22, 2009, and as set forth on the attached bill of lading (Exhibit A) and multimodal dangerous goods form (Exhibit B), said documents to be produced on June 29, 2010, at 11:00 A.M., at the Office of Stephen A. Moyer, 9 East Kossuth Street, Columbus, Ohio. Production of a certified copy of the documents in advance of that date will suffice in lieu of appearance.

Respectfully submitted,



Stephen A. Moyer (#0025211)
9 East Kossuth Street
Columbus, Ohio 43206
(614) 444-2000 phone
(614) 444-5883 fax
moyerlaw@rrohio.com

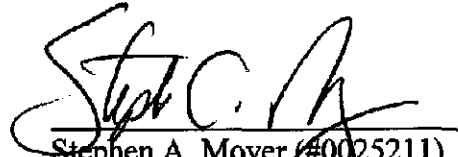
Attorney for Respondent Robert Williams

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 EC Date Processed 6-16-2010

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Motion for Issuance of Subpoena, together with a copy of the Subpoena Duces Tecum, have been served via US regular mail, this 16th day of June, 2010, upon the following:

Werner L. Margard III
Assistant Attorney General
Office of the Attorney General
Public Utilities Section
180 East Broad Street
Columbus, Ohio 43215-3793



Stephen A. Moyer (#0025211)

Attorney for Respondent Robert Williams

APPENDIX to Rule 4901-1-25

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

SUBPOENA

TO: Custodian of Records
Crown Equipment Corporation
410 Grand Lake Road
Celina, Ohio 45822

Upon application of Stephen A. Moyer, attorney you are hereby
required to appear before the Public Utilities Commission of Ohio as a witness for

Robert Williams in the following proceeding:

Case No. 10-235-TR-CVE (OH32023004873D)

Case Title In the Matter of Robert Williams, Notice of
Apparent Violation and Intent to Assess
Forfeiture

You are to appear at the offices of Stephen Moyer, 9 East Kossuth Street,
the Commission, 180 East Broad Street, Columbus, Ohio,
on the

29th day of June, 20 10, at 11:00 a.m. in hearing room.

You shall bring with you the following: Documents requested in the
attachment to this subpoena, Exhibit 1

Dated at Columbus, Ohio, this 16 day of June, 20 10.

Scott Jackson

Attorney Examiner

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

Exhibit 1

Duces Tecum Request

1. Please produce a certified copy of any and all documents and information related to its shipment of certain industrial equipment and batteries, in particular identifying the lift truck and pallet jack model numbers, as well as model numbers for the batteries, which were shipped on October 22, 2009, as set forth on the attached bill of lading (Exhibit A) and multimodal dangerous goods form (Exhibit B), said documents to be produced on or before June 29, 2010 at 11:00 a.m. at the office of Stephen A. Moyer, 9 East Kossuth Street, Columbus, Ohio 43206.

Production of documents in lieu of appearance will suffice.

Reserved, Subject to the classification and tariffs in effect on the date of release of this Bill of Lading

CARRIER'S NO.

CROWN EQUIPMENT CORPORATION		CARRIER	MARINE TRANSPORT
FROM	410 Grand Lake Road	ROUTE	
AT	Colina, OH 45822 45869		
	PHONE: 419-829-2311		
DATE	10/22/08	CUST PO.	567333
CONSIGNEE		DELIVERING	
AND	BKG# 94194103	CARRIER	Kuehne & Nagel 440-243-6070
DESTINATION	CSX		
	COLUMBUS, Oh	CAR OR	
	Furtherance to NEW YORK	VEHICLE	
		INITIALS & NO.	

HAZARDOUS MATERIALS (If any)					
2	UN2794; BATTERY, WET, FILLED WITH ACID; 8; PG III	ERG #164	2330#	70	Subject to section 7 of applicable Bill of Lading. If this shipment is to be delivered to consignee, the consignor shall sign the following statement: The consignor shall not make delivery of the shipment without payment of freight and all other lawful charges.
				70	
	installed in forklifts				
EMERGENCY CONTACT INFORMATION					
PLACARDS:		PRESENT ON CARRIER	DELIVERED TO CARRIER	SHIPPER	CARRIER
NON-HAZARDOUS MATERIALS					
2	Care Lift Trucks or Vehicles, electric, internal combustion engines powered, NOH, not designed for general highway use exceeding 1,300 pounds net weight. CRATED OR SKIDDED	ITEM 2 190225	1554#	85	To Be Collected Placed on by _____ To apply as prepayment on the charges of the property described hereon.
2	LIFT TRUCK ATTACHMENTS	ITEM 198212	390#	70	
	m/f ECUADOR 5A381296, 297 WP's				Agent or Cashier Per: (The signature here acknowledges only the amount prepaid) Charges Advanced
	Crown Seal # 003079				
1	20' Container # EISU 374962-5		4274#		

SHIPPER'S CERTIFICATION: This is to certify that the above-stated material is properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation.

SIGNATURE

TIME

3

* If the applicant cannot identify the party to whom he or she owes the debt, the debt is not eligible for discharge.

• Shaper's report to BO of things, and a part of Bill of Lading approved by the honorable Commerce Commission

NOTE—Where the rate is dependent on value, appraisers are required to state specifically in writing the agreed or declared value of the property.

The agreed-in declared value of the goods is hereby specifically stated by me shippers to be not exceeding _____

THIS SHIPMENT IS CORRECTLY DESCRIBED
CORRECT WEIGHT IS _____ LBS.

* The three boxes used for this shipment conform to the specifications set forth in the Dec. 1964 edition of Bureau and all other requirements of the Consolidated Freight Classification.

SEND 2000

C.D.D. APPROVED

Collection Fee**Shigony**

Agent Per

CROWN EQUIPMENT CORP.

410 Grand Lake Road

Colina OH 45822

PHONE: 418-629-2311

PERMANENT POST OFFICE SHIPPER



MULTIMODAL DANGEROUS GOODS FORM

This form may be used as a dangerous goods declaration as it meets the requirements of SOLA 74, chapter VII, regulation 4; MARPOL 73/78, Annex III, regulation 4.

1 Shipper/Consignee/Sender Crown Equipment Corporation 410 Grand Lake Road Celina, OH 45822		2 Transport document number		3 Page 1 of 1 pages		4 Shipper's reference 557333, 557334	
5 Consignee Mepalecuador S.A. Av. Isaac Ibeniz E3-154 Quito ECUADOR		7 Carrier (to be completed by the carrier) SHIPPER'S DECLARATION I hereby declare that the contents of this consignment are fully and accurately described below by the Proper Shipping Name, and are classified, packaged, marked and labelled / placarded and are in all respects in proper condition for transport according to the applicable international and national governments regulations.		5 Freight forwarder's reference			
8 This shipment is within the limitations prescribed for: (Delete non-applicable)		9 Additional handling information 24 hr Emergency Phone # 419-629-2311 x3654 Crown					
10 Vessel/flight No. and date Sun Round		11 Port/place of loading		12 Port/place of discharge Quayaguil, Ecuador		13 Destination ECUADOR	
14 Shipping marks		*Number and kind of packages; description of goods		Gross mass (kg)		Net mass (kg)	
				Cube (m³)			
(1) battery banded to (1) wood skid		UN2794; Battery, wet, filled with acid, electric storage, Class 8, EMS# F-A, S-B, PG		274 k 608#		252 k 555#	
(3) batteries banded to wood (1) skid		UN2794; Batteries, wet, filled with acid, electric storage, Class 8, EMS# F-A, S-B, PG		782 k 1725#		760 k 1675 #	
15 Container identification No./ vehicle registration No. EIS4 374962-5		16 Seal number(s) 003079		17 Container/vehicle size & type 20'		18 Tare mass (kg)	
19 Total gross mass (including tare) (kg)		20 Name of company Crown Equipment Corporation		21 RECEIVING ORGANIZATION RECEIPT Received the above number of packages/containers/ trailers in apparent good order and condition, unless stated herein: RECEIVING ORGANIZATION REMARKS:		22 Name of company (OF SHIPPER PREPARING THIS NOTE) Crown Equipment Corp	
Name/status of declarant Shipping Clerk		Signature and date Robert A. Williams		Name/status of declarant Leon Homan, Trf Mgr		Signature of declarant Leon A Homan	
Place and date New Bremen OH 45869		Signature of declarant Robert A. Williams		Place and date New Bremen, OH		Signature of declarant Leon A Homan	

• DANGEROUS GOODS:

You must specify: Proper Shipping Name, hazard class, UN No., packing group, (where assigned) marine pollutant and observe the mandatory requirements under applicable national and international government regulations. For purposes of the IMDG Code see 5.4.1.4.

• For the purpose of the IMDG Code, see 5.4.2.

