

NC FILE

NICK STRIMBU INC.

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Complete Transportation & Warehousing Services

10-1150-TR-CVF

August 12, 2010

Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

PUCO

2010 AUG 17 AM 10:17

RECEIVED-DOCKETING DIV

Re: Nick Strimbu, Inc. Case No. 0841008225C

This letter is a request for an Administrative Hearing to discuss the fines assessed to my company as a result of a roadside inspection conducted on Nick Strimbu, Inc. vehicle number 5-0510 April 23, 2010. I feel that these fines should be vacated for the following reasons:

1. 172.331 – No ID# on left side of trailer-bulk - \$780 - the shipper informed our driver that no placards or markings were required on this load. The shipper also provided our driver with the instructions attached to this letter labeled as exhibit 1. Under driver information it states:

“ A class 9 placard is not required for domestic shipments of Pitch, Coal as solid pitch, solid roofing pitch, or bitumen, per 49 CFR 172.504(f)(9) but MAY be marked with the plain white marking with the four-digit identification number. A CDL endorsement to haul hazardous materials is not required per the commercials Drivers' Standards, Part 383.93(b)(4), when the shipments are not placarded.

As noted the white markings may be required and when the shipper failed to provide these we followed the shipper's instructions.

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 _____ Date Processed AUG 17 2010

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2. 172.602 C1 – Maintenance/accessibility of emergency response book - \$390 – since this was not considered to be a hazardous load the driver is not required to have a hazardous material endorsement. Since the driver did not need a hazardous material endorsement there was no need for training in either hazardous materials or emergency response. Since the driver would not have been trained in the use of the emergency response book and did not need one there should not be a requirement for a hazardous materials response book.

I look forward to meeting with you at the hearing to further explain our position. Please contact me if you have any questions or information.

Sincerely,

George Siefert
Director of Safety & Human Resources
(330) 448-4046 ext. 125
gsiefert@nickstrimbu.com

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