

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Tony Nelsen, Notice of	)	Case No. 10-601-TR-CVF
Apparent Violation and Intent to Assess	)	OH0573004244D
Forfeiture.	)	

ENTRY

The attorney examiner finds:

- (1) Commission staff served a notice of preliminary determination upon Tony Nelsen (respondent), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging a violation of the Commission's transportation regulations.
- (2) Respondent filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) Pursuant to Rule 4901:2-7-16(B), O.A.C., a prehearing conference was held on September 1, 2010; however, the parties were unable to resolve this matter.
- (4) Rule 4901:2-7-19, O.A.C., provides that an evidentiary hearing shall be scheduled within 60 days after the prehearing conference. Accordingly, a hearing should be held on October 26, 2010, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (5) Rule 4901:2-7-14(A), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule additionally states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.
- (6) At the hearing, staff must prove, by the preponderance of the evidence, that respondent committed the alleged violation, pursuant to Rule 4901:2-7-20(A), O.A.C.

It is, therefore,

ORDERED, That a hearing in this case be scheduled October 26, 2010, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman  
Attorney Examiner

/dah <sup>250</sup>

Entered in the Journal

Renee J. Jenkins  
SEP 03 2010

Renee J. Jenkins  
Secretary