

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of)	Case No. 10-431-TR-CVF
Ametha Savon for an Administrative)	(OH3219300801D)
Hearing.)	

ENTRY

The attorney examiner finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), the Commission staff has served a notice of preliminary determination upon Ametha Savon (respondent), alleging a violation of the Commission's transportation regulations.
- (2) On April 2, 2010, respondent filed a request for an administrative hearing in the above-captioned case in accordance with Rule 4901:2-7-13, O.A.C.
- (3) By entry issued June 7, 2010, this matter was set for hearing on July 22, 2010.
- (4) On July 22, 2010, staff filed a motion for a continuance, requesting that the hearing in this matter be continued until further notice. Staff requested the continuance due to the lack of notice to respondent. Certified service of the June 7, 2010, entry scheduling the hearing was returned unsigned. In addition, counsel for staff stated that he had spoken to respondent, and she indicated that, at that time, she lacked the means to travel to the Commission to attend the hearing.
- (5) By entry issued on July 23, 2010, the attorney examiner granted staff's motion for continuance. The July 23, 2010, entry also directed the parties to file a statement every 60 days updating the attorney examiner of the status of the case, and indicated that a new hearing date will be scheduled by subsequent entry.
- (6) The attorney examiner subsequently contacted respondent by telephone and informed her that, as the party requesting a hearing in this matter, it is her responsibility to prosecute her case. The attorney examiner requested that respondent suggest potential dates for the hearing. To date, respondent has not complied with the attorney examiner's request.


- (7) More than 60 days have passed since the issuance of the July 23, 2010, entry, and the parties have not filed a statement updating the status of the case and respondent has not provided potential dates for the hearing. Accordingly, the attorney examiner finds that this matter should be set for hearing on January 20, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11C, Columbus, Ohio 43215-3793.
- (8) 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.
- (9) 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 the matter be scheduled for a hearing on January 20, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11C, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record by regular U.S. mail.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillips-Gary
Attorney Examiner

gag/sc

Entered in the Journal

DEC 06 2010



Renee J. Jenkins
Secretary