

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Nolker Trucking LLC,)
Notice of Apparent Violation and Intent)
to Assess Forfeiture.)

Case No. 10-2686-TR-CVF
OH3259005336C

ENTRY

The attorney examiner finds:

- (1) Commission staff served a notice of preliminary determination upon Nolker Trucking LLC (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) On November 17, 2010, respondent filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) A prehearing conference was held on December 20, 2010; however, the parties were unable to settle this matter during the prehearing conference.
- (4) Accordingly, this matter should be set for a hearing on February 22, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (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 this matter be set for hearing on February 22, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Katie L. Stenman
By: Katie L. Stenman
Attorney Examiner

Entered in the Journal

Reneé J. Jenkins

Reneé J. Jenkins
Secretary

DEC 27 2010