

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of FedEx Express	)	
Corporation, Notice of Apparent	)	Case No. 10-3114-TR-CVF
Violation and Intent to Assess	)	(OH3228008760C)
Forfeiture.	)	

ENTRY

The attorney examiner finds:

- (1) On December 22, 2010, FedEx Express Corporation (respondent) filed a request for administrative hearing pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), to contest the alleged violation and/or forfeiture amount for the above-captioned inspection report.
- (2) Pursuant to Rule 4901:2-7-16(B), O.A.C., a prehearing teleconference will be conducted on Monday, February 28, 2011, at 10:00 a.m., Eastern time. The purpose of the prehearing conference is to discuss procedural issues related to this case, including potential hearing dates, discovery issues, and possible stipulation of facts. The respondent is directed to participate by calling (866) 209-2820 and entering conference code 9291091549# at that time.
- (3) 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 also 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. Rule 4901-1-08, O.A.C., requires that corporations be represented by an attorney-at-law. Therefore, in the event that this case is not resolved at the prehearing conference, any incorporated respondent must be represented by counsel in order to present any defense in this case beyond giving factual testimony.

It is, therefore,

ORDERED, That the respondent participate in the prehearing teleconference, as set forth above, on Monday, February 28, 2011, at 10:00 a.m., Eastern time. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Richard M. Bulgrin  
Attorney Examiner

*jd*  
/dah

Entered in the Journal

**FEB 08 2011**



Renee J. Jenkins  
Secretary