

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Buckeye Waste)	
Industries, Inc., Notice of Apparent)	Case No. 11-445-TR-CVF
Violation and Intent to Assess)	OH3245009768D
Forfeiture.)	

ENTRY

The attorney examiner finds:

- (1) Commission staff served a notice of preliminary determination upon Steven F. Cath, who was operating a commercial motor vehicle (CMV) for Buckeye Waste Industries, Inc. (Buckeye), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging two violations of the Commission's transportation regulations.
- (2) On January 26, 2011, Buckeye filed a request for an administrative hearing of the violations cited against Mr. Cath, in accordance with Rule 4901:2-7-13, O.A.C.
- (3) As set forth in Rule 4901:2-7-16(B), O.A.C., unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled within 30 days of the filing of a request for an administrative hearing.
- (4) The attorney examiner finds that a prehearing conference should be held on March 24, 2011, at 10 a.m., Eastern Daylight time. Because the contact telephone number for Mr. Cath is the same telephone number listed for Buckeye, the attorney examiner will attempt to contact Buckeye by telephone at that time. In addition, the attorney examiner directs Mr. Cath to contact Buckeye or the attorney examiner if he wishes to participate in the telephone conference.
- (5) The attorney examiner notes that, although Buckeye filed the request for an administrative hearing, the violations at issue allege that: Mr. Cath did not have a valid medical certificate in his possession in violation of 49 C.F.R. 383.23A2 and that Mr. Cath was operating a commercial motor vehicle with a suspended license in violation of 49 C.F.R. 41A. These are both driver violations. Therefore, in the event that the Commission staff and Mr. Cath are unable to enter into a settlement agreement resolving these violations, this matter will be scheduled for a hearing, pursuant to Rule 4901-1-08, O.A.C. As a


final matter, Mr. Cath is reminded that, at the hearing, Buckeye will not be able to act in any representative capacity for Mr. Cath and Mr. Cath will have to either proceed with or without aide of legal counsel.

It is, therefore,


ORDERED, That a prehearing conference in this case be scheduled in accordance with Finding (4). It is, further,

ORDERED, That a copy of this entry be served upon both Buckeye and Mr. Cath.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Katie L. Stenman
Attorney Examiner

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Entered in the Journal **FEB 24 2011**



Renee J. Jenkins
Secretary