

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 was conducted on February 28, 2011, at which time, the parties agreed to schedule the matter for hearing on April 20, 2011, at 10:00 a.m., Eastern time, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215.
- (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.
- (4) 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 prior to hearing, any incorporated respondent must be represented by counsel in order to present any defense in this case beyond giving factual testimony as permitted under Section 4901.14, Revised Code.
- (5) An out-of-state attorney may seek permission to appear *pro hac vice* before the Commission upon the filing of a motion by


an attorney in active status according to Rule VI of the Supreme Court Rules for the Government of the Bar of Ohio and who resides in of this state. The motion shall include all the information and documents to demonstrate that the attorney seeking to appear *pro hac vice* is in compliance with Gov. Bar Rule XII(2) (A)(6).

It is, therefore,

ORDERED, That this matter be scheduled for hearing on April 20, 2011, at 10:00 a.m., Eastern time, at the Commission in Hearing Room 11-D. 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

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/dah

Entered in the Journal
MAR 02 2011



Renee J. Jenkins
Secretary