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PUBLIC UTILITIES SECTION

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

Case No. 10-2522-TR-CVF  
(OH0499007756C)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code, (O.A.C.) Dice Freight, LLC (Dice Freight or Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above captioned case.

It is understood by Dice Freight and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the parties' desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, Dice Freight and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This agreement shall not become effective until adopted and approved by the Commission pursuant to Rule 4901:2-7-11(C), O.A.C. The date of any entry or order of the Commission adopting this settlement agreement shall be considered the effective date of this settlement agreement. The Respondent further waives its right to rehearing in

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accordance with Rule 4901-1-35, O.A.C. Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C.

### **History**

- A. On June 10, 2010, a vehicle operated by Mr. Duane P. Dice was inspected within the State of Ohio.
- B. As a result of the inspection, Dice Freight was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, O.A.C. The preliminary determination assessed Dice Freight \$150.00 for violations of O.A.C. 4901:2-5-02 incorporating Title 49, Code of Federal Regulations, §392.9(A)(2), failing to secure vehicle equipment (\$100.00), and §393.25(F), stop lamp violation (\$50.00).
- C. Dice Freight requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.

### **III. Settlement Agreement**

The Staff and Dice Freight agree and recommend that the Commission find as follows:

- A. For purposes of settlement only, and not as an admission that the violations occurred as alleged, Dice Freight agrees that the violations of 49 C.F.R. §392.9(A)(2), and §393.25(F) may be included in Dice Freight's Safety-Net

Record and history of violations, for purposes of determining future penalty actions.

- B. Dice Freight and the Staff agree that the civil forfeiture shall be reduced to \$120.00. The reduction is based on remedial actions taken by respondent including providing safety training for its drivers regarding proper methods to secure vehicle equipment.
- C. This Settlement Agreement shall not become effective until adopted by an Order of the Commission. Dice Freight and Staff also agree that the civil forfeiture of \$120.00 for the violations shall be paid within thirty (30) days of the Commission's adoption of this Settlement Agreement.
- D. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. This agreement shall not be used in any other case or proceeding, except as otherwise provided herein, or in any action that may be required to enforce the terms of this agreement.

#### **IV. Conclusion**

The undersigned respectfully request that the Commission adopt the agreement in its entirety.

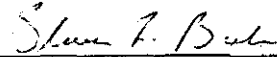
The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below on this 9 day of March, 2011.

On Behalf of Dice Freight



**Jordan R. Dice**  
President/CEO  
Dice Freight, LLC  
100 Webster St.  
Bay City, MI 48708

On Behalf of the Staff of the  
Public Utilities Commission of  
Ohio



**Steven L. Beeler**  
Assistant Attorney General  
Public Utilities Section  
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