

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Dice Freight, LLC, Notice )  
of Apparent Violation and Intent to Assess ) Case No. 10-2522-TR-CVF  
Forfeiture. ) (OH0499007756C)

FINDING AND ORDER

The Commission finds:

- (1) On June 10, 2010, a vehicle operated by Duane P. Dice was inspected within the state of Ohio.
- (2) As a result of the inspection, Dice Freight, LLC (Dice Freight or respondent) was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD assessed respondent \$150.00 for the following violations of the Code of Federal Regulations (C.F.R.): 49 C.F.R. Section 392.9(a)(2), failing to secure vehicle equipment (\$100.00), and 49 C.F.R. Section 393.25(f), stop lamp violation (\$50.00).
- (3) On November 5, 2010, respondent made a formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (4) On March 11, 2011, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD.
- (5) In the settlement agreement, the parties 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. Section 392.9(a)(2), and Section 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 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.
- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,

ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

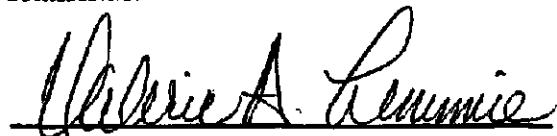
ORDERED, That Dice Freight pay a civil forfeiture of \$120.00 within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention: Fiscal Division, 4<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Dice Freight is directed to write the inspection number (OH0499007756C) on the face of its check or money order. It is, further,

ORDERED, That a copy of this finding and order be served on each party of record.

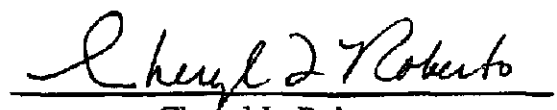
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

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Paul A. Centolella

  
Valerie A. Lemmie

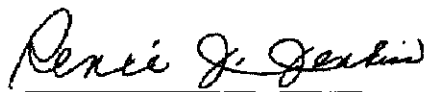
  
Steven D. Lesser

  
Cheryl L. Roberto

KKS/vrm

Entered in the Journal

**MAR 30 2011**



Renee J. Jenkins  
Secretary