

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of GSI Leasing, Inc., for an Administrative Hearing.) Case No. 08-231-TR-CVF
) (CR07C392)

FINDING AND ORDER

The Commission finds:

- (1) On March 6, 2008, GSI Leasing, Inc., (Respondent) filed a request for an administrative hearing regarding a notice of preliminary determination issued by the Commission staff.
- (2) A prehearing was scheduled in this proceeding for June 10, 2008, but the attorney examiner was unable to contact the Respondent due to a miscommunication regarding the Respondent's service address. The prehearing conference was rescheduled for August 31, 2010. However, the attorney examiner was unable to contact the Respondent's representative by telephone at the designated time.
- (3) Subsequently, on February 14, 2011, the attorney examiner scheduled this matter for hearing on March 22, 2011. The entry setting the hearing was served upon Respondent in accordance with Commission rules.
- (4) At the hearing, Staff presented evidence in support of 11 alleged violations of the Federal Motor Carrier Safety Rules, 49 C.F.R. Sections 40, 42, 383, 387, 390-397, as adopted by the Commission, and a proposed forfeiture of \$10,925.00. The Respondent did not appear at hearing or present any evidence why it should not be held liable for the forfeiture proposed in this case. At the conclusion of the hearing, Staff moved for a default judgment against Respondent for the proposed forfeiture of \$10,925.00.
- (5) Rule 4901:2-7-14, Ohio Administrative Code, provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. Further, a respondent in default shall be deemed to have admitted the occurrence of the alleged violation and waived all further right to contest liability for the proposed forfeiture described in the notice.

- (6) The Commission finds that Staff's motion for default judgment should be granted. Further, the Commission finds that the evidence in the record demonstrates that Respondent committed the 11 violations, as alleged by Staff, and that Respondent should be assessed a civil forfeiture of \$10,925.00.

It is, therefore,

ORDERED, That Staff's motion for default judgment be granted. It is, further,

ORDERED, That Respondent pay the civil forfeiture of \$10,925.00 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, 4th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Respondent is directed to write the case number on the face of the check. It is, further,

ORDERED, That the Attorney General of Ohio take all legal steps necessary to enforce the terms of this Finding and Order. It is, further,

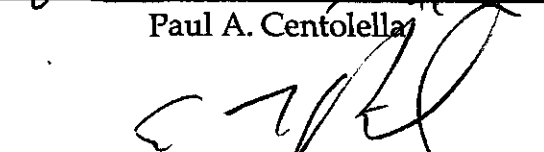
ORDERED, That a copy of this Finding and Order be served upon each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella



Steven D. Lesser


Andre T. Porter


Cheryl L. Roberto

GAP/sc

Entered in the Journal **APR 19 2011**


Betty McCauley
Secretary