

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Cleveland)
Black Oxide for an Administrative) Case No. 10-1270-TR-CVF
Hearing.) (CR08H058)

ENTRY

The attorney examiner finds:

- (1) Pursuant to an entry issued October 20, 2010, a prehearing conference was held in this matter on November 1, 2010. At the prehearing conference, the parties were unable to resolve this matter.
- (2) By entry of March 30, 2011, this matter was scheduled for an evidentiary hearing on May 6, 2011. By entry issued May 5, 2011, the hearing was postponed. The entry indicated that the hearing would be rescheduled to a date to be established in a subsequent entry. The purpose of this entry is to set the new date and time for the rescheduled hearing in this case.
- (3) This matter shall be set for a hearing on June 10, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.
- (4) Rule 4901:2-7-14(A), Ohio Administrative Code (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 additionally 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.
- (5) At the hearing, Staff must prove, by the preponderance of the evidence, that respondent committed the alleged violation, pursuant to Rule 4901:2-7-20(A), O.A.C.

It is, therefore,

ORDERED, That the matter be scheduled for a hearing on June 10, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Daniel E. Fullin
Attorney Examiner

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/dah

Entered in the Journal
MAY 19 2011

Betty McCauley

Betty McCauley
Secretary