

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of)
Trimat Construction, Inc. for an) Case No. 10-963-TR-CVF
Administrative Hearing.) (OH3208301399C)

ENTRY ON REHEARING

The Commission finds:

- (1) By entry issued April 5, 2011, the Commission found that Trimat Construction, Inc. (respondent) was in default, pursuant to Rule 4901:2-7-14(A), O.A.C., and should be assessed a civil forfeiture of \$2,660.00 for the following violations of the Commission's transportation regulations: 49 Code of Federal Regulations (C.F.R.) 177.823(a), vehicle inspected was not placarded and marked as required when transporting a hazardous material; 49 C.F.R. 396.3(a)(1), inoperative brakes; 49 C.F.R. 383.23(a)(2), operating a commercial motor vehicle without a commercial driver's license; 49 C.F.R. 177.817(a), no shipping papers; and Rule 4901:2-6-14(A), O.A.C., due to respondent's failure to file a uniform hazardous materials program application.
- (2) On May 6, 2011, respondent filed an application for rehearing of the Commission's April 5, 2011 entry.
- (3) Section 4903.10, Revised Code, states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in the proceeding by filing an application within 30 days after the entry of the order upon the journal of the Commission.
- (4) The Ohio Supreme Court has ruled that the Commission has no jurisdiction to entertain an application for rehearing filed more than 30 days after the order was entered upon the journal of the Commission and service made on the parties. See *Dover v. Public Util. Comm.*, 126

OS 438 (1933) and *Greer v. Public Util. Comm.*, 172 OS 361 (1961). Service of the entry in this matter was made on April 5, 2011. Respondent's application for rehearing of the Commission's order was docketed on May 6, 2011, or 31 days after the Commission rendered its decision. Therefore, the Commission has no jurisdiction to consider the arguments raised on rehearing by the respondent. Accordingly, this matter will not be further considered.

It is, therefore,

ORDERED, That respondent's application for rehearing not be further considered in accordance with finding 4. It is, further,

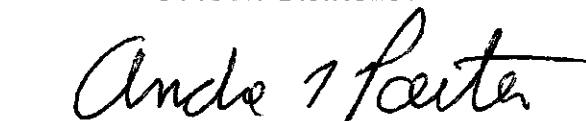
ORDERED, That copies of this entry on rehearing be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

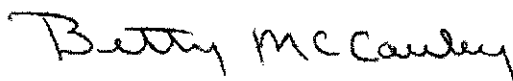

Andre T. Porter


Cheryl L. Roberto

SEF/sc

Entered in the Journal

MAY 25 2011


Betty McCauley
Secretary