

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Burlen L. Collins,)	Case No. 13-204-TR-CVF
Notice of Apparent Violation and)	OH3267006087D
Intent to Assess Forfeiture.)	

ENTRY

The attorney examiner finds:

- (1) Commission Staff (Staff) served a notice of preliminary determination upon Burlen L. Collins, who was operating a commercial motor vehicle (CMV) for PSC Metals-Mitco LLC. (PSC), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging a violation of the Commission's transportation regulations.
- (2) On January 14, 2013, PSC filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) As set forth in Rule 4901:2-7-16(B), O.A.C., unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.
- (4) The parties in this case are directed to participate in a prehearing conference on February 12, 2013, at 10:00 a.m., Eastern Daylight time. At that time, the attorney examiner will attempt to contact PSC and Mr. Collins by telephone.
- (5) The attorney examiner notes that, although PSC filed the request for an administrative hearing, the violation at issue alleges that: Mr. Collins was operating a CMV with a detectible presence of alcohol in violation of 49 C.F.R. 392.5A. This is a driver violation. Therefore, in the event that Staff and Mr. Collins are unable to enter into a settlement agreement resolving this violation, this matter will be scheduled for a hearing. Mr. Collins is reminded that, at the hearing, PSC will not be able to act in any representative capacity for Mr. Collins and Mr. Collins will have to either proceed with or without aide of legal counsel.

- (6) Rule 4901:2-7-14(A), 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.

It is, therefore,

ORDERED, That a prehearing conference in this case be scheduled in accordance with Finding (4). It is, further,

ORDERED, That a copy of this entry be served upon both PSC and Burlen L. Collins.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-0204-TR-CVF

Summary: Attorney Examiner Entry scheduling a prehearing conference in this case in accordance with Finding (4). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio