

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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) A prehearing settlement conference was held on February 12, 2013; however, the parties were unable to settle this matter.
- (4) Accordingly, this matter should be set for hearing on March 19, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (5) 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.
- (6) At the hearing, staff must prove, by the preponderance of the evidence, that respondent committed the alleged violations, pursuant to Rule 4901:2-7-20(A), O.A.C.

It is, therefore,

ORDERED, That this matter be set for hearing on March 19, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Attorney Examiner Entry scheduling a hearing for 03/19/2013, 10:00 a.m. at the offices of the Commission, Rm. 11-D. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio