

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Klavinger)
Transport LLC for an Administrative) Case No. 13-335-TR-CVF
Hearing.) (OH0191007584C)

ENTRY

The attorney examiner finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), the Commission staff has served a notice of preliminary determination upon Klavinger Transport LLC (Klavinger) alleging a violation of the Commission's transportation regulations.
- (2) On January 30, 2013, Klavinger filed a request for an administrative hearing in the above-captioned case in accordance with Rule 4901:2-7-13, O.A.C.
- (3) By entry issued February 11, 2013, this matter was set for a prehearing conference on March 4, 2013. The parties were unable to settle this matter during the prehearing conference.
- (4) Accordingly, the attorney examiner finds that a hearing should be scheduled for April 15, 2013, at 1:00 p.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) Rule 4901-1-08(A), O.A.C., provides that corporations must be represented by an attorney-at-law authorized to practice before the courts of this state.

- (7) At the hearing, Staff must prove, by the preponderance of the evidence, that Klavinger 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 in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy W. Chiles

By: Mandy Willey Chiles
Attorney Examiner

SEF/sc

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in

Case No(s). 13-0335-TR-CVF

Summary: Attorney Examiner Entry scheduling the matter for hearing on 04/15/2013 at 1:00 p. m. - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio