

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Timothy J. ) Case No. 13-789-TR-CVF  
Drumm for an Administrative Hearing. ) (OH1251000454D)

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 Timothy J. Drumm (Drumm) alleging a violation of the Commission's transportation regulations.
- (2) On April 1, 2013, Drumm filed a request for an administrative hearing in the above-captioned case in accordance with Rule 4901:2-7-13, O.A.C.
- (3) A prehearing settlement conference was held on May 16, 2013, however, the parties were unable to settle this matter.
- (4) Accordingly, this matter shall be set for hearing on July 23, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> Floor, Hearing Room 11-C, Columbus, Ohio, 43215-3793.
- (5) Rule 4901:2-7-14(E), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing 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 a preponderance of the evidence, the occurrence of a violation, pursuant to Rule 4901:2-7-20(A), O.A.C.

It is, therefore,

ORDERED, That this matter be set for hearing on July 23, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, 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

s/Jonathan Tauber

By: Jonathan J. Tauber  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 13-0789-TR-CVF**

Summary: Attorney Examiner Entry orders a hearing in this matter for 07/23/2013, 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 11th Flr., Rm. 11-C, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Jonathan Tauber, Attorney Examiner, Public Utilities Commission of Ohio