

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Robbie D. Wood, Inc.,)
Notice of Apparent Violation and Intent) Case No. 13-1138-TR-CVF
to Assess Forfeiture.) (OH3296013596C)

ENTRY

The attorney examiner finds:

- (1) Commission Staff (Staff) served a notice of preliminary determination upon Robbie D. Wood, Inc. (respondent), 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 May 3, 2013, respondent filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) A prehearing conference was held on June 12, 2013.
- (4) The attorney examiner finds that this matter should be set for a hearing on September 9, 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.
- (5) Rule 4901:2-7-14(E), O.A.C., provides that a respondent who has requested an administrative hearing and fails to appear for 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 for the forfeiture proposed in the notice of preliminary determination.
- (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. Following the presentation of evidence by Staff, it shall be the responsibility of respondent to present evidence in support of respondent's contentions regarding the alleged violation in this matter.

It is, therefore,

ORDERED, That this matter be set for hearing on September 9, 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/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-1138-TR-CVF

Summary: Attorney Examiner Entry ordered that this matter be set for hearing on 09/09/2013 at 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 Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio