

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of FedEx)
Ground Package System, Inc., for an) Case No. 13-863-TR-CVF
Administrative Hearing.) (OH0992000174C)

ENTRY

The Commission finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), Commission Staff (Staff) served a notice of preliminary determination (NPD) upon FedEx Ground Package System, Inc. (FedEx), alleging a violation of the Commission's transportation regulations.
- (2) Rule 4901:2-7-13, O.A.C., provides that, following service of the NPD, the respondent may file a request for administrative hearing.
- (3) On April 10, 2013, Ibrahima Coulibaly, the driver of the commercial motor vehicle (CMV) that was the subject of the inspection and subsequent NPD, filed a request for an administrative hearing. FedEx, the respondent in this case, never filed a request for administrative hearing in this case.
- (4) Pursuant to entry issued May 8, 2013, a prehearing conference was held on May 30, 2013.
- (5) Thereafter, on May 30, 2013, Staff filed a motion to dismiss this case. In its memorandum in support, Staff explains that, during the prehearing conference, Mr. Coulibaly confirmed he is not an officer, employee, or representative of FedEx. Therefore, Staff asserts Mr. Coulibaly lacks standing to contest the matter on behalf of FedEx. Accordingly, Staff asserts that, as FedEx did not request an administrative hearing and Mr. Coulibaly lacks standing to contest the matter on behalf of FedEx, the case should be dismissed.
- (6) The Commission finds that Staff's motion to dismiss is reasonable and should be granted. In this case, the apparent violation that was the subject of the NPD was against FedEx, who was the operator of the CMV, and not Mr. Coulibaly.

Therefore, only FedEx, and not Mr. Coulibaly, would have standing as the respondent to file the request for administrative hearing, pursuant to Rule 4901:2-7-13, O.A.C. Accordingly, Staff's motion to dismiss this case should be granted and this case should be dismissed.

It is, therefore,

ORDERED, That Staff's motion to dismiss is granted. It is, further,


ORDERED, That Case No. 13-863-TR-CVF is dismissed. It is, further,

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

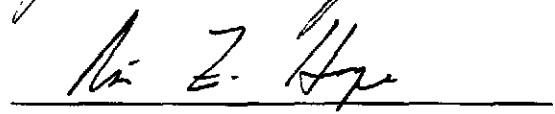
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby

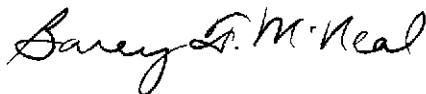

M. Beth Trombold


Asim Z. Haque

MWC/sc

Entered in the Journal

JUL 17 2013



Barcy F. McNeal
Secretary