

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Jim Schnoll, Notice of)
Apparent Violation and Intent to Assess) Case No. 13-1408-TR-CVF
Forfeiture.) (OH1251000995C)

ENTRY

The attorney examiner finds:

- (1) Commission Staff (Staff) served a notice of preliminary determination upon Jim Schnoll (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 June 17, 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 July 11, 2013.
- (4) By entry dated July 11, 2013, this case was scheduled for hearing on August 21, 2013.
- (5) On July 26, 2013, Staff filed a motion requesting a continuance of the hearing because one of its witnesses is unavailable to testify on the date of the hearing. Staff proposes that the hearing be rescheduled for the week of September 16, 2013. On July 30, 2013, respondent requested that the hearing be held in August.
- (6) The attorney examiner finds that Staff's motion for continuance is reasonable and should be granted. Accordingly, the attorney examiner finds that this matter should be set for a hearing on August 26, 2013, at 2:00 p.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (7) 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.

- (8) 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 Staff's motion for continuance be granted. It is, further,

ORDERED, That this matter be set for hearing on August 26, 2013, at 2:00 p.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 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). 13-1408-TR-CVF

Summary: Attorney Examiner Entry grants Staff's motion for continuance and reschedules hearing to 08/26/2013, 2:00 p.m. at the offices of the Commission, 180 E. Broad St., 11th Flr., Rm. 11-D, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio