

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Trux)	
Transportation, Inc., for an Administrative)	Case No. 13-1168-TR-CVF
Hearing.)	(OH3268010628C)

ENTRY

The attorney examiner finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), the Commission's Staff has served a notice of preliminary determination upon Trux Transportation, Inc. (Respondent), alleging a violation of the Commission's transportation regulations.
- (2) On May 9, 2013, Respondent 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 June 5, 2013, this matter was set for a prehearing conference on June 27, 2013. The parties were unable to settle this matter during the prehearing conference; consequently, by entry issued July 26, 2013, the attorney examiner scheduled a hearing for August 27, 2013.
- (4) Thereafter, on August 26, 2013, Respondent contacted the attorney examiner and requested to reschedule the hearing due to an unexpected scheduling conflict. Staff did not oppose Respondent's request.
- (5) The attorney examiner finds that the hearing should be rescheduled for October 1, 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.
- (6) 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.

- (7) 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.
- (8) At the hearing, and following the presentation of evidence by Staff, it shall be the responsibility of Respondent to present evidence in support of his contentions regarding the alleged violation in this matter.

It is, therefore,

ORDERED, That the matter be rescheduled for a hearing in accordance with Finding (5). 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

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-1168-TR-CVF

Summary: Attorney Examiner Entry rescheduled the hearing in this matter to 10/01/2013 at 1:00 p.m. in accordance with Finding (5). - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio