

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Evans Delivery Company)
Inc., Notice of Apparent Violation and) Case No. 13-1568-TR-CVF
Intent to Assess Forfeiture.) (OH3293005913C)

ENTRY

The Commission finds:

- (1) Commission staff served a notice of preliminary determination (NPD) upon Evans Delivery Company Inc. (Evans), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging violations of the Commission's transportation regulations.
- (2) On July 2, 2013, Steve Thomas (Mr. Thomas), the owner of the commercial motor vehicle that was inspected, requested an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C. Evans, the respondent in this case, never filed a request for an administrative hearing.
- (3) The parties participated in a prehearing conference on August 7, 2013.
- (4) On August 13, 2013, Staff filed a motion to dismiss the case. Staff explains that Mr. Thomas lacks standing to contest the matter on behalf of Evans, the carrier cited in the case, because during the conference Mr. Thomas confirmed that he is not an officer, employee, or representative of Evans.
- (5) The Commission finds that Staff's motion to dismiss the case is reasonable and should be granted. In this case, the apparent violation that was the subject of the NPD was assessed against Evans, not Mr. Thomas. Therefore, only Evans, not Mr. Thomas, would have standing as the respondent to file the request for an 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 the motion to dismiss the case be granted. It is, further,

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

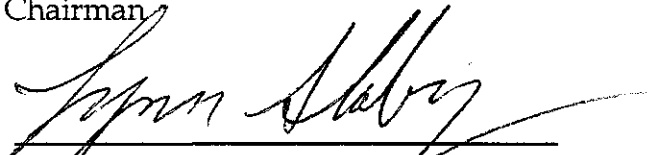
THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman



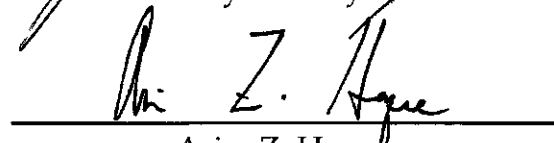
Steven D. Lesser



Lynn Slaby



M. Beth Trombold

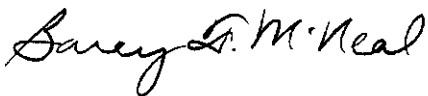


Asim Z. Haque

JML/sc

Entered in the Journal

SEP 04 2013



Barcy F. McNeal
Secretary