

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of ) Case No. 13-993-TR-CVF  
Jeremy L. Rowe for an Administrative ) (OH0779003248C)  
Hearing. ) (OH0779003248D)

ENTRY

The attorney examiner finds:

- (1) Commission Staff (Staff) served a notice of preliminary determination upon Jeremy Rowe (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 April 19, 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 May 30, 2013.
- (4) By entry dated June 20, 2013, this case was scheduled for hearing on September 10, 2013.
- (5) On September 4, 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 indicates that the respondent does not oppose the continuance, but notes that the respondent requests that the hearing be rescheduled to a date after January 1, 2014, due to employment constraints.
- (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 January 9, 2014, 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.

- (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 January 9, 2014, 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/Jonathan Tauber

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By: Jonathan J. Tauber  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/6/2013 9:00:32 AM**

**in**

**Case No(s). 13-0993-TR-CVF**

Summary: Attorney Examiner Entry orders a hearing in this matter for 01/09/2014, 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 Jonathan Tauber, Attorney Examiner, Public Utilities Commission of Ohio