

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Weaver Transport, LLC,)
Notice of Apparent Violation and Intent to) Case No. 13-1639-TR-CVF
Assess Forfeiture.) (OH3269009470C)

FINDING AND ORDER

The Commission finds:

- (1) On March 21, 2013, a vehicle operated by Weaver Transport, LLC (Weaver Transport or respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.) that are relevant to this case: 49 C.F.R. §173.24(b) (Failed to meet general packing requirements), 49 C.F.R. §396.9(a)(I) (Brakes out of service), and 49 C.F.R. §172.202(b) (Basic description not in proper sequence).
- (2) Respondent was timely served with a Notice of Preliminary Determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD assessed respondent \$900.00 for violation of 49 C.F.R. §173.24(b), \$90.00 for violation of 49 C.F.R. §396.9(a)(I), and \$0.00 for violation of 49 C.F.R. §172.202(b).
- (3) On July 15, 2013, respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (4) On September 17, 2013, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD. The following is a summary of the provisions agreed to by the parties and is not intended to replace or supersede the settlement agreement. The settlement agreement included, *inter alia*, the following provisions:
 - (a) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Weaver Transport agrees that the violations of 49 C.F.R. §173.24(b), 49 C.F.R. §396.9(a)(I), and 49 C.F.R. §172.202(b) may be included in its Safety-

Net Record and history of violations, insofar as they may be relevant for purposes of determining future penalty actions.

- (b) For purposes of settlement only, Staff agrees to reduce the amount of the civil forfeiture from \$990.00 to \$720.00 and Weaver Transport agrees to pay the amount of \$720.00 in order to resolve this case. The reduction is based on corrective actions taken by Weaver Transport.
 - (c) Weaver Transport will pay the \$720.00 within 30 days of the Commission's order approving this settlement agreement. The payment shall be made payable to "Treasurer State of Ohio," and shall be mailed to PUCO Fiscal, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. The case number (OH3269009470C) should appear on the face of the check.
 - (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement. This settlement agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
- (5) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

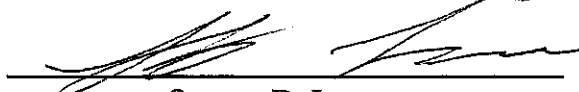
It is, therefore,

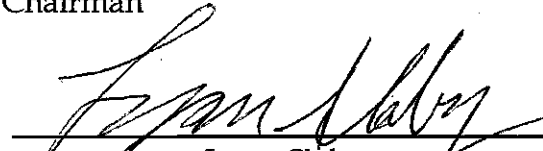
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

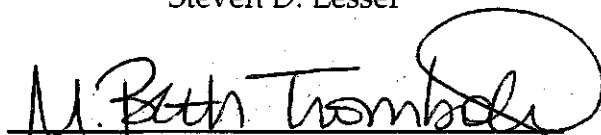
ORDERED, That a copy of this finding and order be served on each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby

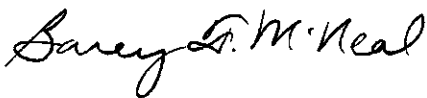

M. Beth Trombold


Asim Z. Haque

KKS/vrm

Entered in the Journal

OCT 02 2013



Barcy F. McNeal
Secretary