

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Extreme Logistics, LLC,)
Notice of Apparent Violation and Intent to) Case No. 13-1213-TR-CVF
Assess Forfeiture.) (OH3242008348C)

FINDING AND ORDER

The Commission finds:

- (1) On January 26, 2013, a vehicle operated by Extreme Logistics, LLC, was inspected within the State of Ohio. As a result of the inspection, Extreme Logistics, LLC, 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 a civil forfeiture of \$500.00 for violation of Rule 4901:2-6-14(A), O.A.C., for failure to file a uniform hazmat application.¹
- (2) On May 17, 2013, Extreme Logistics, LLC, requested an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.
- (3) On July 25, 2013, a prehearing conference was held in this matter for the purpose of discussing settlement of the issues raised and to determine an appropriate date for hearing.
- (4) On September 17, 2013, a settlement agreement was filed in this matter that, in the parties' opinion, resolves all the issues raised in the NPD.
- (5) The following is a summary of the provisions agreed to by the parties and is not intended to replace or supersede the settlement agreement. In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) For purposes of this settlement only, Commission Staff agrees to reduce the civil forfeiture associated with the violation of Rule

¹ Rule 4901:2-6-14(A), O.A.C., was rescinded on July 18, 2013; however, the substance of the rule is now contained in Rule 4901:2-6-03(A), O.A.C.

4901:2-6-14(A), O.A.C., from \$500.00 to \$100.00. This civil forfeiture reduction is based upon Extreme Logistics, LLC's payment of the hazmat application fee and securement of the permit.

- (b) This settlement agreement shall not become effective until adopted by the Commission. The date of the 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. Extreme Logistics, LLC, will pay the \$100.00 civil forfeiture within 30 days of this Order adopting the Settlement Agreement. Payment shall be made by certified check or money order payable to "Treasurer of State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. Case Number "OH3242008348C" should be written on the face of each check or money order.

- (6) 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,

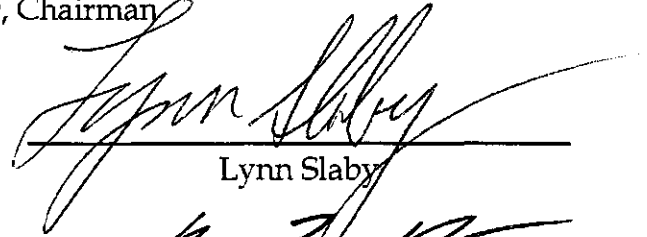
ORDERED, That Extreme Logistics, LLC, pay a total civil forfeiture of \$100.00 in accordance with the settlement agreement. Payment shall be made by check or money order made payable to "Treasurer of State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Extreme Logistics, LLC, is directed to write the inspection number "OH3242008348C" on the face of each check or money order. It is, further,

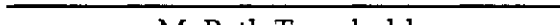
ORDERED, That a copy of this finding and order be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby


M. Beth Trombold


Asim Z. Haque

BAM/sc

Entered in the Journal

OCT 09 2013



Barcy F. McNeal
Secretary