

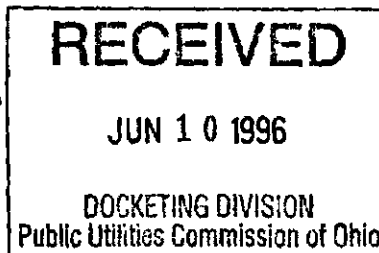
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BERRY & SPURLOCK CO., L.P.A.
ATTORNEYS AT LAW
275 EAST STATE STREET
COLUMBUS, OHIO 43215

PAUL F. BERRY
MICHAEL SPURLOCK
KIT C. COOPER
ERIC W. BERRY

TELECOPIER: (614) 228-1408
614-228-8575

June 5, 1996



Mr. Gary E. Vigorito, Secretary
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 10th Floor
Columbus, OH 43266-0573

96-577-TR-CVF

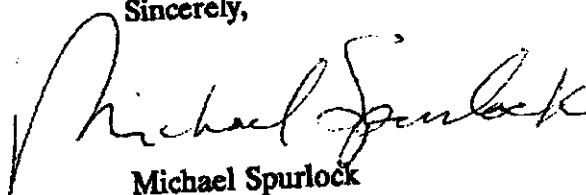
Re: Request for Administrative Hearing, The Aetna Freight Lines, Inc.

Dear Secretary Vigorito:

Enclosed herewith please find a Request for Administrative Hearing filed on behalf of The Aetna Freight Lines, Inc. Please accept same for filing.

Should you need any further information, please advise. Thank you very much.

Sincerely,


Michael Spurlock

MS/tmz

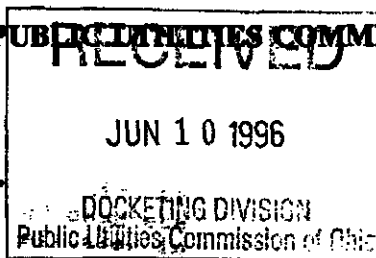
Enclosure

cc: Mr. Alfred P. Agler, Director
Transportation Department
Public Utilities Commission of Ohio
The Aetna Freight Lines, Inc.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Ann M. Hines Date Processed June 11, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of
The Aetna Freight Lines, Inc.



96-577-JR-CVF
Case No. 0H0D033435C

REQUEST FOR ADMINISTRATIVE HEARING

Comes Now The Aetna Freight Lines, Inc. (hereinafter "Respondent"), by counsel, and respectfully submits its Request For Administrative Hearing in the above-referenced case, in accordance with Rule 4901:2-7-13 of the Ohio Administrative Code, and in support thereof states as follows:

Respondent submits that (1) the attached Notice of Preliminary Determination is erroneous and unlawful, and (2) the attached Notice of Apparent Violation and Intent to Assess Forfeiture, including but not limited to, the monetary assessment based upon the history factor of alleged prior violations, is erroneous and unlawful. Respondent and Respondent's counsel and their addresses and telephone numbers are as follows:

The Aetna Freight Lines, Inc.
2507 Youngstown Road
P.O. Box 350
Warren, OH 44482
(216) 369-5201

Michael Spurlock
Beery & Spurlock Co., L.P.A.
275 East State Street
Columbus, OH 43215
(614) 228-8575

WHEREFORE, Respondent respectfully requests that its counsel be served with all future notices, entries and orders, and that this case be assigned for hearing at a date and time mutually agreeable to Respondent and staff.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Spurlock". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael Spurlock (0008767)
BEERY & SPURLOCK CO., L.P.A.
275 East State Street
Columbus, OH 43215
(614) 228-8575
Counsel for Respondent
The Aetna Freight Lines, Inc.

cc: Mr. Alfred P. Agler, Director
Transportation Department
Public Utilities Commission of Ohio
The Aetna Freight Lines, Inc.



The Public Utilities Commission of Ohio

GEORGE V. VOINOVICH
GOVERNOR

CRAIG A. GLAZER
CHAIRMAN

May 17, 1996

MR MICHAEL SPURLOCK
ATTORNEY THE AETNA FREIGHT LINES, INCORP
275 EAST STATE STREET
COLUMBUS, OH 43215

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH0D033435C

Dear MR SPURLOCK:

On November 17, 1995, a vehicle operated by THE AETNA FREIGHT LINES, INCORPORAT and driven by DAVID R STEWART, was inspected within the State of Ohio. As the result of discovery of the following apparent violations the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
393.209D	SYSTEM COMPONENT, STEERING LOOSE OR DEF.
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)
393.47	BRAKE LINING OR PAD INADEQUATE
393.207A	AXLES-POSITIONING PART CRACKED, BROKEN, ETC.

Total Forfeiture Assessed : \$700.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)

MR MICHAEL SPURLOCK
ATTORNEY THE AETNA FREIGHT LINES, INCORP
May 17, 1996
OH0D033435C

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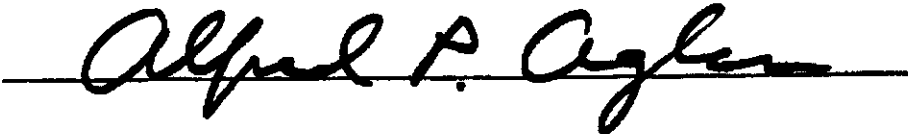
As a result of the conference, Staff has made a **Preliminary Determination** that the Commission should make a civil monetary assessment against THE AETNA FREIGHT LINES, INCORPORAT in the following forfeiture:

Code	Violation
393.209D	SYSTEM COMPONENT, STEERING LOOSE OR DEF.
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)
393.47	BRAKE LINING OR PAD INADEQUATE
393.207A	AXLES-POSITIONING PART CRACKED, BROKEN, ETC.

Total Forfeiture Agreed : \$700.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.



Alfred P. Agler, Director
Transportation Department
Public Utilities Commission of Ohio



The Public Utilities Commission of Ohio

Transportation Department

George V. Volnovich, Governor

Craig A. Glazer, Chairman

January 30, 1996

THE AETNA FREIGHT LINES, INCORPORAT
2507 YOUNGSTOWN ROAD S.E.
WARREN, OH 44482

**Re: NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE**
Case No. OHOD033435C

Dear Carrier:

On November 17, 1995 vehicle numbers 4025 (UNIT #1), 4025A (UNIT #2), operated by THE AETNA FREIGHT LINES, INCORPORAT and driven by DAVID R STEWART were inspected within the state of Ohio by staff of the Ohio Highway Patrol, Commercial Motor Carrier Enforcement Section. As the result of discovery of the following apparent out-of-service violation(s), the Commission intends to make a civil monetary assessment against THE AETNA FREIGHT LINES, INCORPORAT in the following amount:

<u>CODE</u>	<u>UNIT</u>	<u>VIOLATION</u>	<u>VIOL. GROUP</u>
393.209D	1	SYSTEM COMPONENT, STEERING LOOSE OR DEF.	1
396.3A1BA	1	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)	2
396.3A1BA	2	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)	2
393.47	2	BRAKE LINING OR PAD INADEQUATE	2
393.207A	2	AXLES-POSITIONING PART CRACKED, BROKEN, ETC.	2

TOTAL AMOUNT DUE WITH HISTORY FACTOR: \$700.00

[Payment must be received within 30 days of receipt of this notice.]

You are hereby notified of the violation(s) and to take appropriate measures to ensure that it is not repeated.

If you would prefer for any future notices to be delivered to a particular person or different address that what is shown on this "Notice", please complete the "Carrier Information Section" of the instruction sheet and, enclose it with your payment.

Please consult the enclosed additional information on the instruction sheet in regard to your rights and responsibilities concerning this Notice of Apparent Violation and Notice of Intent to Assess Forfeiture.

Sincerely

Lennie R. Glass, Administrator
Motor Carrier Safety Division

INSTRUCTION SHEET**NOTICE OF APPARENT VIOLATION AND
NOTICE OF INTENT TO ASSESS FORFEITURE**

You have received a combined "Notice of Apparent Violation" and "Notice of Intent to Assess Forfeiture" as described in Rule 4901:2-7-09, Ohio Administrative Code (O.A.C.). **WITHIN 30 DAYS OF RECEIPT OF THIS NOTICE, YOU MUST EITHER: (1) Pay the forfeiture amount indicated in the notice, or (2) Make a written request for conference. If you do not pay the forfeiture or request a conference within 30 days, your case will be referred to the Attorney General for collection.**

Both procedures are described below. Please read them carefully.

1. How to Pay the Forfeiture

You may make payment of the forfeitures indicated in the Notice by certified check or money order (no Canadian postal money orders) made payable to: "PUCO Fiscal Division", and must indicate the case number(s) for which payment is being made. Please use the ENCLOSED ENVELOPE to make the payment. If the envelope is missing, payments must be mailed to the following address:

Public Utilities Commission of Ohio
Attention: Fiscal Division
180 East Broad Street
Columbus, OH 43215-3793

THE CASE NUMBER (OR INSPECTION NUMBER) AND THE COMPANY NAME MUST BE WRITTEN ON THE FACE OF YOUR CHECK OR MONEY ORDER.

2. How to Make a Request for Conference

If you believe that any of the violations described in the Notice did not occur as alleged, that any of the occurrences described did not constitute a violation of the safety rules, or that you were not responsible for the apparent violations, or if you wish to contest the amount of the forfeiture indicated in the Notice, you should make a "Request for Conference" as described in Rule 4901:2-7-10, O.A.C., in lieu of payment for the forfeiture(s). Your "Request for Conference" must be **IN WRITING** and must be mailed or otherwise delivered within thirty days of your receipt of the "Notice of Intent to Assess Forfeiture" to the following address:

Public Utilities Commission of Ohio
Motor Carrier Safety Division - CFS
180 East Broad Street, 5th Floor
Columbus, OH 43215-3793

Your request for conference must contain the "Case Number" at the top of the notice letter, and the name, address and telephone number of the person to whom further

Notice of Apparent Violation and Notice of Intent to Assess Forfeiture

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communications regarding this matter should be directed. It should be designated a "Request for Conference", should indicate your preference whether this matter be discussed by telephone, or in person, and may include any additional information you wish to submit at this time.

3. Failure to Make a Request for Conference

If you do not serve a timely "Request for Conference" in the manner described above, you will forfeit your right to contest liability to the State of Ohio for the amount of the forfeitures set forth in the Notice. Moreover, the occurrence of the violations described in the Notice will be conclusively established for purposes of inclusion in your "history of violations". Should the history of violations reveal an ongoing safety problem, the result may be an increase in the amount of any civil forfeiture assessed for future violations.

4. Violation Amounts, Codes and Violation Group

R.C. Section 4919.99, 4921.99 and 4923.99 authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$1,000 per violation for any violation of the safety rules discovered during a roadside inspection. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations.

"Code" in the Notice identifies the rule which was violated. Numbers in a 300 series refer to specific sections of the Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations. Codes in other formats refer to violations of Ohio rules. Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes.

"Violation Group" and "Total Amount Due" in the Notice identifies the numerical fine Group (1-4) of the code which was violated. The total amount of fine for all violations is listed in the "Total". If the words "with history" is added to the word "Total", then the amount of your total has been doubled, up to \$1,000. For additional information on the fine structure, contact the Motor Carrier Safety Division.

5. Copies of Inspection Reports

A copy of the inspection report for the violations described in the Notice was given to the driver at the time of inspection. The driver should have given that copy to you. Additional copies of inspection reports must be requested in writing to the PUCO's Motor Carrier Safety Division.

Please contact the Motor Carrier Safety Division at (614) 466-0369 if you need additional information regarding the civil forfeiture compliance program.

Motor Carrier Safety Division

Effective October 1, 1995.

Fine Schedule Out-Of-Service Violations

Group 1

Violations	Maximum Fine
Braking Action Absent	1 Violation = \$100.
Missing or Broken Brake Component	
Air Drop Test	2 Violations = \$250
Safety Devices - Chains or Hooks	
Tires, Retreads - on Buses	3 Violations = \$400*
Steering Column	
Other Steering Components	
Record of Duty Status -	
10 Hour Violation	
15 Hour Violation	
60 in 7, or 70 in 8	
None in Possession/Not Current	
Falsification of Record of Duty Status (Intentional)	\$300
Violation of Out of Service Notice (Each Notice, Not Each Offense)	\$1,000

Group 2

Violations	Maximum Fine
Brake Pad	1 Violation = \$50
Brake Hose, Tube	
Parking Brake	2 Violations = \$150
Low Air Warning Device	
Air Reservoir	3 Violations = \$250*
Brake Adjustment	
Headlamp Inoperative	
Stop Lamp Inoperative	
Violation of Out of Service Notice (Each Notice, Not Each Offense)	\$1,000

Group 3

Violations	Maximum Fine
Fuel Tank Cap Missing	1 Violation = \$0
Fuel System	
Windshield Glazing	2 Violations = \$90
Windshield Wipers	
Intoxicants - Possession in Cab	3 Violations = \$150*
Waiver of Physical Disqualification	
Radio Active Material - Training Certificate	
Violation of Out of Service Notice (Each Notice, Not Each Offense)	\$1,000

* Maximum Accumulated Fine for each group is the highest fine indicated for each group.

Motor Carrier Safety Division

Effective October 1, 1995

Fine Schedule Out-Of-Service Violations

Group 4

Violations	Maximum Fine
No Operating Authority (intrastate)	\$500
Failure to Register (intrastate)	\$250
No Lease Agreement on Vehicle (For-hire intra only)	\$100
Insurance Violations (intrastate)	\$1,000
SSRS Registration (Receipt)	\$100
Failure to Display Correct Ohio-Cab Card Stamp (ICC Exempt)	\$100
Failure to Display Tax Decal on Vehicle	\$100
Radar Detectors	\$100
Medical Certificate (Driver)	\$50
Medical Certificate (Carrier)	\$300
Disqualifying Offenses	\$500
Drugs - Under the Influence	\$500
Drugs - Possessing	\$500
Intoxicants - Under the Influence	\$500
Intoxicants - Consumption	\$500

Any questions in regards to this Fine Schedule please contact:

Public Utilities Commission of Ohio
Motor Carrier Safety Division - CPS
180 East Broad Street, 5th Floor
Columbus, OH 43215-3793

(614) 466-0369

* Maximum Accumulated Fine for each group is the highest fine indicated for each group.