

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Robert)	
and Katy Ginsburg,)	
)	
Complainants,)	
)	
v.)	Case No. 13-1334-TR-CSS
)	
Hightower Moving,)	
)	
Respondent.)	

ENTRY ON REHEARING

The Commission finds:

- (1) On June 5, 2013, Robert and Katy Ginsburg (Complainants), filed a complaint against Hightower Moving (Hightower), a household goods carrier registered with the Commission. Hightower was served with a copy of the complaint at the address listed in the complaint, 3543 Doyal, Toledo, Ohio 43608, but did not file an answer to the complaint in accordance with Ohio Adm.Code 4901-9-01(D).
- (2) By entry issued July 2, 2013, a settlement conference was scheduled for July 23, 2013. The settlement conference was held as scheduled; however, Hightower did not participate in the conference.
- (3) Thereafter, on August 8, 2013, Hightower was served with a copy of the complaint at an alternate address listed for the company in the Commission's directory of registered household goods carriers, 3311 Blackstone Drive, Toledo, Ohio 43608. Hightower again did not file an answer to the complaint in accordance with Ohio Adm.Code 4901-9-01(D).
- (4) By Finding and Order issued October 30, 2013, the Commission found that, as Hightower failed to file an answer denying the material allegations in the complaint, the material allegations were deemed admitted by Hightower pursuant to Ohio Adm.Code 4901-9-01(D), including the allegation that Hightower gave an estimate of

\$3,000 to move Complainants' property, and then required Complainants to pay an additional \$1,500 during the provision of the services. The Commission found that, based on the allegations deemed admitted, Hightower violated Ohio Adm.Code 4901:2-19-08 and 4901:2-19-16(A). The Commission further found that it has no power to grant money damages related to the complaint, but noted that, pursuant to R.C. 4905.61, a common pleas court may grant money damages. Further, the Commission found, in light of Hightower's violations of rules and failure to answer the complaint, that Staff should conduct a customer service audit and safety audit of Hightower.

- (5) R.C. 4903.10 provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.
- (6) Ohio Adm.Code 4901-1-35 provides that any party or affected person may file an application for rehearing within 30 days after the issuance of a Commission order in accordance with R.C. 4903.10.
- (7) On December 10, 2013, a representative of Hightower, Ricky Hightower, sent an electronic mail message to the Commission, which was docketed in this case on December 12, 2013. Although not styled as such, we will construe Hightower's electronic mail message as an application for rehearing.
- (8) In its application for rehearing, Hightower alleges that it did not receive a copy of the complaint at its address, which Hightower lists as 3311 Blackstone Dr., Toledo, Ohio 43608. Further, Hightower disputes the facts in the complaint and states that Hightower's address has been the same for the previous eight years and "we can't answer what we don't receive."
- (9) Initially, the Commission finds that, as Hightower's application for rehearing was not filed within 30 days of the Commission's order in accordance with R.C. 4903.10, the Commission has no jurisdiction to consider the application for rehearing. Further, the Commission notes that, although

Hightower has alleged that he did not receive a copy of the complaint, the Commission's records indicate that Hightower was served with a copy of the complaint at both 3543 Doyal, Toledo, Ohio 43608, and 3311 Blackstone Drive, Toledo, Ohio 43608. Consequently, even if Hightower's application for rehearing were timely, the Commission would find it to be without merit. Therefore, the Commission finds that Hightower's application for rehearing should be denied.

It is, therefore,

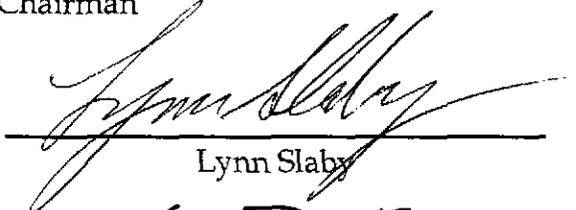
ORDERED, That Hightower's application for rehearing is denied. It is, further,

ORDERED, That a copy of this Entry on Rehearing 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

MWC/sc

Entered in the Journal

JAN 08 2014



Barcy F. McNeal
Secretary