

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Mark Burgess, Notice of)
Apparent Violation and Intent to Assess) Case No. 15-1209-TR-CVF
Forfeiture.)

ENTRY

The attorney examiner finds:

- (1) On June 26, 2015, Mark Burgess requested an administrative hearing in accordance with Ohio Adm. Code 4901:2-7-13.
- (2) The parties in the case participated in a prehearing conference on August 4, 2015, but were unable to resolve matters.
- (3) Accordingly, a hearing shall be scheduled for November 10, 2015, at 1:00 p.m. in Hearing Room 11-D, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (4) Ohio Adm.Code 4901:2-7-14(E), provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding 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 to the state for the forfeiture described in the notice.
- (5) At the hearing, staff must prove, by a preponderance of the evidence, that respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

It is, therefore,

ORDERED, That a hearing be scheduled as indicated in Finding (3). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/13/2015 9:29:54 AM

in

Case No(s). 15-1209-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing in accordance with Finding (3). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio