

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of R & R Trucking, Inc., Notice )  
of Apparent Violation and Intent to Assess ) Case No. 15-519-TR-CVF  
Forfeiture. )

ENTRY

The attorney examiner finds:

- (1) Staff served a notice of preliminary determination (NPD) upon R&R Trucking, Inc. (Respondent) alleging a violation of 49 CFR 395.3(A)(2), driving beyond the 14-hour on-duty period. The NPD assessed a total civil forfeiture of \$100.00.
- (2) By Entry issued June 5, 2015, this matter was scheduled for hearing on October 8, 2015, but was continued at the request of the Respondent to November 24, 2015.
- (3) On November 24, 2015, at 10:00 a.m. the hearing convened in this matter. While Staff and its witnesses were present, the Respondent was not, and the hearing adjourned at 10:30 a.m. Upon return to his office, the presiding examiner discovered a voicemail message from the Respondent that was recorded at 10:29 a.m. on November 24, 2015. The voicemail message indicated that the Respondent was unable to attend the hearing because he experienced mechanical problems with his car while driving to Columbus for the hearing.
- (4) Ohio Adm.Code 4901-1-13 provides that continuances of public hearings may be granted upon motion of any party for good cause shown.
- (5) The presiding examiner notes that, while there has been a continuance of this matter previously, there is good cause to continue the hearing.
- (6) Accordingly, the hearing shall be continued to January 22, 2016, at 2:00 p.m. in Hearing Room 11-C, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. The Respondent shall contact the attorney examiner by 10:00 a.m. on January 21, 2016 to confirm that he will attend the hearing. The Commission will grant no further continuances of the hearing date.

- (7) R&R is reminded that, pursuant to Ohio Adm.Code 4901:2-7-14(E), a respondent who has requested an administrative hearing and fails to participate in the hearing 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.

It is, therefore,

ORDERED, That the hearing is continued to 2:00 p.m. on January 22, 2016, in Hearing Room 11-C, as indicated in Finding (6). It is, further,

ORDERED, That the Respondent contact the attorney examiner no later than 10:00 a.m. on January 21, 2016, to confirm that he will attend the January 22, 2016 hearing. 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

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 15-0519-TR-CVF**

Summary: Attorney Examiner Entry continuing the hearing to 2:00 p.m. on 01/22/2016 in Hearing Room 11-C as indicated in Finding (6) and directing the Respondent to contact the attorney examiner no later than 10:00 a.m. on 01/21/2016 to confirm attendance for the 01/22/2016 hearing. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio