

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE APPLICATION OF
TERRA RESTORATION SERVICES, LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 16-2027-TR-CVF
(OH3285008774C)**

ENTRY

Entered in the Journal on March 29, 2017

I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss, as the respondent has paid the assessed civil forfeiture in full.

II. DISCUSSION

A. *Applicable Law*

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.

B. *Procedural History*

{¶ 3} On October 14, 2016, Terra Restoration Services, LLC (Terra) filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 4} A prehearing conference was conducted on November 21, 2016, but the parties did not resolve the matter, and a hearing was scheduled for January 5, 2017.

{¶ 5} On January 4, 2017, Staff filed a motion for continuance of the hearing. Staff indicated that additional time was needed to continue negotiations that were leading toward settlement. The motion for continuance was granted on January 4, 2017.

{¶ 6} Staff filed a motion to dismiss on March 7, 2017. Staff stated that Terra had paid the forfeiture in full, and noted that, pursuant to Ohio Adm.Code 4901:2-7-22, full payment terminates further proceedings regarding violations.

C. Commission Conclusion

{¶ 7} The Commission finds reasonable Staff's motion to dismiss this case, as Terra has paid the assessed civil forfeiture in full. Accordingly, this case should be closed.


III. ORDER

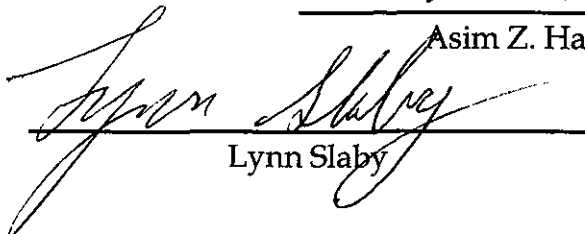
{¶ 8} It is, therefore,

{¶ 9} ORDERED, That this case be closed. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon Terra and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


Lynn Slaby

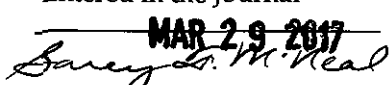

Thomas W. Johnson


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Lawrence K. Friedeman

JML/sc

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MAR 29 2017

Barcy F. McNeal
Secretary