

PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of JMS Towing : Case No.
Notice of Apparent Violation : 16-1714-TR-CVF
and Intent to Assess Forfeiture:

- - -

In the Matter of Pedro J. :
Miranda, Notice of Apparent : Case No.
Violation and Intent to : 16-1715-TR-CVF
Assess Forfeiture. :

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PROCEEDINGS

Before Megan Addison and Patricia Schabo,
Attorney Examiners, held at the offices of the
Public Utilities Commission of Ohio, 180 East
Broad Street, Hearing Room 11-D, Columbus, Ohio,
on Thursday, May 23, 2017, at 10:00 A.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
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1 APPEARANCES:

2 Mr. Robert A. Eubanks
3 Assistant Attorney General
4 30 East Broad Street
5 16th Floor
6 Columbus, Ohio 43215

7 On behalf of the Staff
8 of the Public Utilities
9 Commission of Ohio.
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INDEX TO EXHIBITS

- - -

STATE'S EXHIBITS

MARKED ADT

1	Examination Report	5	7
2	Notice of Preliminary Determination	5	7
3	Notice of Preliminary Determination	6	7

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Tuesday Morning,
May 23, 2017.
10:30 A.M.
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ATTORNEY EXAMINER ADDISON: The
Public Utilities Commission of Ohio has assigned
for hearing at this time and place case No.
16-1714-TR-CVF being in the Matter of JMS
Towing, Notice of Apparent Violation and Intent
to Assess Forfeiture.

And Case No. 16-1715-TR-CVF being In
the Matter of Pedro J. Miranda Santos, Notice of
Apparent Violation and Intent to Assess
Forfeiture.

My name is Megan Addison, and with
me this morning is Patricia Schabo, and we are
the Attorney Examiners assigned by
the Commission to hear these cases.

At this time we will go ahead and
take appearances of the parties, beginning with
Staff.

MR. EUBANKS: Robert Eubanks, AG's
office, here on behalf of the PUCO Staff.
Address is 30 East Broad Street, Columbus, Ohio
43215.

1 ATTORNEY EXAMINER: Thank you very
2 much, Mr. Eubanks. I would like to note for
3 the record we did wait a considerable amount of
4 time, 30 minutes, for the Respondents to be
5 present at today's hearing. They are not
6 present this morning.

7 Is Staff ready to proceed?

8 MR. EUBANKS: Yes.

9 ATTORNEY EXAMINER: Please proceed,
10 Mr. Eubanks.

11 MR. EUBANKS: I would like to
12 present the Notice of Preliminary Determination
13 in both cases, TR-CVF-16-1714 and 15.

14 ATTORNEY EXAMINER: Would you like to
15 have those marked?

16 MR. EUBANKS: Yes. I would like to
17 have them marked Exhibits 1, 2 and 3.

18 ATTORNEY EXAMINER: If you can just
19 identify which exhibits are --

20 MR. EUBANKS: Okay. I would like to
21 have the examination report marked as Exhibit 1.

22 The Notice of Preliminary
23 Determination as to violation 391.41 A through F
24 marked as Exhibit 2.

25 And the Notice of Preliminary

1 Determination as to violations 396.17 C, 393.83
2 G, 393 60 C, and 4921.03 to be marked as Exhibit
3 3.

4 (EXHIBITS MARKED FOR
5 IDENTIFICATION) .

6 ATTORNEY EXAMINER: They will be so
7 marked. And, Mr. Eubanks, just for
8 clarification, the inspection report reflects
9 the violations in both of these cases.

10 MR. EUBANKS: It does.

11 ATTORNEY EXAMINER: Thank you very
12 much.

13 MR. EUBANKS: And I also would like
14 to move for a default judgment first. The
15 Respondent is not here, his not being here today
16 acts as an admission to all the violations, and
17 accordingly we would like to move for a default
18 judgment in this case, for both the violations
19 and the forfeiture.

20 ATTORNEY EXAMINER: Thank you, Mr.
21 Eubanks. And you did not hear from the
22 Respondents for either case for this morning;
23 correct?

24 MR. EUBANKS: I did not.

25 ATTORNEY EXAMINER: Thank you. Your

1 motion will be taken under advisement.

2 MR. EUBANKS: I would like to also
3 move to have those exhibits admitted into
4 evidence

5 ATTORNEY EXAMINER: They will be
6 admitted.

7 (EXHIBITS ADMITTED INTO EVIDENCE)

8 ATTORNEY EXAMINER: Does Staff have
9 anything further this morning?

10 MR. EUBANKS: No.

11 ATTORNEY EXAMINER: Thank you, Mr.
12 Eubanks. With that the case is submitted for
13 the record, and we are adjourned.

14 (At 10:35 A.M. the hearing was
15 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on May
23, 2017, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-1714-TR-CVF, 16-1715-TR-CVF

Summary: Transcript In the Matter of JMS Towing Notice of Apparent Violation and Intent to Assess Forfeiture and In the Matter of Pedro J. Miranda, Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on May 23, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.