

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF AVFUEL CORPORATION,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 16-2414-TR-CVF  
(OH0616004143C)

### ENTRY

Entered in the Journal on June 14, 2017

{¶ 1} Staff served a notice of preliminary determination (NPD) upon Avfuel Corporation and its driver, Brian K. Fargher, in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 2} On December 19, 2016, Oscar A. Rodriguez, counsel for Avfuel Corporation and Mr. Fargher, filed a request for an administrative hearing in the above-captioned case in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing settlement conference was conducted on February 27, 2017; however, the parties were unable to settle this matter.

{¶ 4} On April 19, 2017, the attorney examiner scheduled an evidentiary hearing for this matter to commence on June 14, 2017.

{¶ 5} Thereafter, on June 13, 2017, Mr. Rodriguez filed a request for an extension of the hearing date of at least 60 days. In support of his request, Mr. Rodriguez explains that Respondents require additional time to secure an interpretation from the U.S. Department of Labor, as well as a special permit letter, both of which may result in the resolution of this matter without the need of an evidentiary hearing. Mr. Rodriguez also notes that the Attorney General's Office has been made aware of, and does not object to, the request.

{¶ 6} The attorney examiner finds that the request for an extension of the hearing date is reasonable and should be granted, in part. Rather than rescheduling the evidentiary hearing for this matter at this time, the attorney examiner finds that the evidentiary hearing should be held in abeyance until such time as the U.S. Department of Labor is able to provide the requested guidance. The parties are directed to file a status report every 60 days regarding this matter and file a notice after receiving the interpretative documents from the U.S. Department of Labor. Upon the filing of the notice, the attorney examiner will reschedule the evidentiary hearing, if necessary.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Respondents' request to extend the evidentiary hearing date be granted, in part. It is, further,

{¶ 9} ORDERED, That the parties file status reports and a notice as directed in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Megan Addison

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By: Megan J. Addison  
Attorney Examiner

JRJ/sc

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

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**in**

**Case No(s). 16-2414-TR-CVF**

Summary: Attorney Examiner Entry granting, in part, Respondents' request to extend the evidentiary hearing and directing the parties to file status reports and a notice as indicated in Paragraph 6. - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio