

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
PLANET FREIGHT, LLC, NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 17-1082-TR-CVF  
(OH1239002315C)

## FINDING AND ORDER

Entered in the Journal on August 30, 2017

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding violations of the Commission's transportation rules.

### 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 by 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 13, 2016, a commercial motor vehicle (CMV) operated by Planet Freight, LLC (Respondent) and driven by William H. Peterson was inspected within the state of Ohio. The inspection resulted in the discovery of three violations of the federal motor carrier safety regulations. The violations were: no evidence of adequate public liability and property damage insurance in violation of 49 C.F.R. 387.301(a) — \$500, and two instances of excessive weight in violation of 49 C.F.R. 392.2 — \$0.

{¶ 4} Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12 on March 16, 2017. The NPD assessed Respondent a civil forfeiture of \$500 for the inadequate public liability and property damage insurance violation, 49 C.F.R. 387.301(a).

{¶ 5} On April 17, 2017, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on May 23, 2017.

{¶ 7} On July 17, 2017, Staff and Respondent filed a settlement agreement that, in the parties' opinion, resolves the issue raised in the NPD. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) Respondent admits to the violations of 49 C.F.R. 387.301(a) and recognizes that they may be included in Respondent's Safety-Net record and Respondent's history of violations, insofar as they may be relevant for purposes of determining future penalty actions.
- (b) Respondent agrees to pay a civil forfeiture of \$100 for the violations. Respondent has provided proof sufficient to Staff that it had an endorsement that provided adequate insurance at the time of the inspection. Respondent acknowledges that this endorsement was not reflected on the FMCSA Portal website at the time of the inspection.
- (c) Payment will be due 30 days from Commission approval of this settlement agreement. Payment shall be made by certified check or money order payable to "Treasurer State

of Ohio,” and mailed to: PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Case No. 17-1082-TR-CVF and inspection number OH1239002315C should appear on the face of the check or money order.

- (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting this settlement agreement shall be considered the effective date of the settlement agreement.
- (e) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

**C. Commission Conclusion**

{¶ 8} The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

**III. ORDER**

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 11} ORDERED, That Respondent pay a civil forfeiture of \$100 in accordance with the settlement agreement. Payment shall be made by check or money order payable to “Treasurer, State of Ohio,” and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is

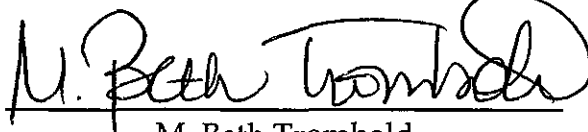

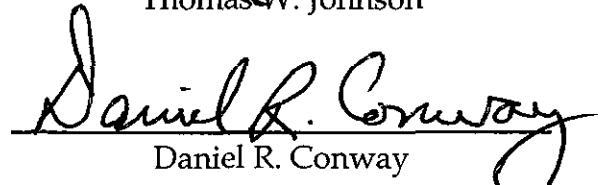
directed to write Case No. 17-1082-TR-CVF and inspection number OH1239002315C on the face of the check or money order. It is, further,

{¶ 12} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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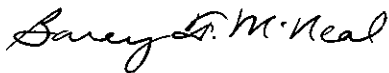
Asim Z. Haque, Chairman

  
M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

KKS/vrm

Entered in the Journal

AUG 30 2017



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Barcy F. McNeal  
Secretary