

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Flooring :
Transport of America, LLC : Case No.
Notice of Apparent Violation : 17-1460-TR-CVF
and Intent to Access :
Forfeiture. :

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus,
Ohio, on Wednesday, April 25, 2018, at 10:00
A.M.

- - -

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Columbus, Ohio 43215
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- - -

1 APPEARANCES:

2 Mr. Werner L. Margard
3 Assistant Attorney General
4 30 East Broad Street, 16th Floor
5 Columbus, Ohio 43215

6 On behalf of the Staff of the
7 Public Utilities Commission
8 of Ohio.
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DIRECT CROSS

STAFF WITNESSES

Rod Moser

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INDEX TO EXHIBITS

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| STATE'S EXHIBITS | MARKED | ADT |
|--|--------|-----|
| 1 Documents Pertaining to the Violations | 8 | 10 |
| 2 Notice of Preliminary Determination | 9 | 10 |

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1 Wednesday Morning,
2 April 25, 2018.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio as set for hearing
6 at this time and place Case No. 17-1460-TR-CVF
7 In the Matter of Flooring Transport of America.

8 My name is Kerry Sheets, I am the
9 Attorney Examiner for the Commission and I have
10 been assigned to hear this case.

11 May I now have the appearance of the
12 parties, please.

13 MR. MARGARD: Thank you, Your Honor.
14 On behalf of the Transportation Staff of the
15 Public Utilities Commission of Ohio, Mike
16 DeWine, Ohio Attorney General; William Wright,
17 Section Chief Public Utilities Section; by
18 Assistant Attorney General Werner L. Margard, 30
19 East Broad Street, 16th floor, Columbus, Ohio.

20 ATTORNEY EXAMINER: Very good. Let
21 the record show there are no other parties in
22 the hearing room at this time.

23 Are there any preliminary matters to
24 take care of this morning?

25 MR. MARGARD: Your Honor, this is

1 the second time we have convened a hearing in
2 this matter, and the third time frankly that
3 this Respondent has been given an opportunity to
4 appear, and has failed to do so on each count,
5 despite our efforts both to get them here and to
6 try to resolve the case.

7 They have been recalcitrant at best,
8 and obviously have not shown for the hearing
9 today.

10 We would, therefore, respectfully
11 request due their failure to prosecute their
12 request for a hearing that a default judgment be
13 entered against them at this time.

14 ATTORNEY EXAMINER: Very good. At
15 this time we will take a recess of 30 minutes
16 and give the Respondents some time.

17 MR. MARGARD: Okay.

18 (RECESS TAKEN)

19 ATTORNEY EXAMINER: Let the record
20 show it is now 10:30 and the Respondent is still
21 not in the hearing room.

22 Do you have a statement to make, Mr.
23 Margard?

24 MR. MARGARD: Your Honor, I just
25 respectfully renew my motion for a default

1 judgment at this time.

2 ATTORNEY EXAMINER: Very good. Do
3 we have exhibits?

4 MR. MARGARD: I do, Your Honor. And
5 I am prepared to call a witness to offer those
6 exhibits, if you wish.

7 ATTORNEY EXAMINER: Very good.

8 MR. MARGARD: Your Honor, I call Mr.
9 Rod Moser to the stand, please.

10 (WITNESS SWORN)

11 - - -

12 ROD MOSER

13 called as a witness, being first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 By Mr. Margard:

17 Q. Please state your name and business
18 address.

19 A. My name is Rod Moser. I work at
20 the Public Utilities Commission of Ohio, 180
21 East Broad Street, Columbus, Ohio 43215.

22 Q. And by whom are you employed and in
23 what capacity, please?

24 A. I am employed by the Public
25 Utilities Commission of Ohio. I am the Chief of

1 Compliance within the Commission's
2 Transportation Department.

3 Q. And as part of your duties and
4 responsibilities were you asked to review the
5 Commission file relating to the proceeding that
6 we are here for this morning?

7 A. Yes, sir, I was.

8 Q. Sir, you have before you two
9 documents, multi-page documents. One marked as
10 Staff Exhibit No. 1 appears to be a multi-page
11 report of some sort. Do you recognize this
12 document?

13 A. This is a compliance review
14 conducted on a business known as
15 Flooring Transport of America.

16 Q. And can you tell me when this review
17 was performed?

18 A. It was dated October 4th of 2016.

19 Q. And this notes a number of different
20 violations; does it not?

21 A. It does. Yes, sir.

22 Q. And this document is maintained as
23 part of the Commission's business records?

24 A. Yes, sir.

25 Q. And the documents supporting

1 the violations here are also contained as part
2 of those records; are they?

3 A. Yes, they are.

4 Q. Sir, you also have before you what's
5 been marked as Staff Exhibit No. 2?

6 A. Yes, sir, I do.

7 Q. And can you identify that document
8 for me, please?

9 A. It's a Notice of Preliminary
10 Determination. It's a letter sent to the
11 Respondent following a telephone conference that
12 was not successful in resolving the issues.

13 Q. Sir, does this notice contain a
14 listing of the violations that reflect the same
15 as are contained in Staff Exhibit No. 1?

16 A. Yes, sir, it does.

17 Q. And in addition to listing those
18 violations it also lists forfeitures associated
19 with those violations; correct?

20 A. Yes, sir.

21 Q. And you are responsible, are you
22 not, for ensuring that forfeitures are
23 appropriately determined and assessed?

24 A. Yes, sir, I am.

25 Q. And have you reviewed these

1 forfeitures to determine whether or not they
2 were accurately determined?

3 A. I have.

4 Q. And in your opinion are those
5 forfeiture amounts reasonable?

6 A. It is reasonable.

7 Q. And consistent with Commission
8 practice?

9 A. Yes, sir.

10 Q. And in your opinion did
11 the Respondent receive all notices that they
12 were required to have received prior to this
13 proceeding?

14 A. To the best of my knowledge, yes.

15 MR. MARGARD: Thank you. Your
16 Honor, I have no further questions for
17 the witness and would respectfully move for the
18 admission of Staff Exhibits 1 and 2.

19 ATTORNEY EXAMINER: I will admit
20 those exhibits into evidence at this time.

21 (EXHIBITS HEREBY ADMITTED INTO
22 EVIDENCE)

23 ATTORNEY EXAMINER: You are excused.

24 THE WITNESS: Thank you.

25 MR. MARGARD: I have no further

1 witnesses and no further exhibits, Your Honor.

2 I rest my case and renew my motion.

3 ATTORNEY EXAMINER: Thank you. And
4 I consider this case submitted on the record and
5 submit your motion to the Commission.

6 MR. MARGARD: Thank you, sir.

7 (At 10 35 A.M. the hearing was
8 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 April
25, 2018, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 17-1460-TR-CVF

Summary: Transcript in the matter of the Flooring Transport of America, LLC hearing held on 04/25/18. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.