

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 January 9, 2019

I. SUMMARY

{¶ 1} The Commission dismisses this case as the assessed civil forfeiture has been paid in full, in accordance with Ohio Adm.Code 4901:2-7-22.

II. DISCUSSION

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

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

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

{¶ 5} On June 13, 2017, Respondents indicated that they were attempting to secure an interpretation from the U.S. Department of Labor, as well as a special permit letter from the Pipeline and Hazardous Materials Safety Administration (PHMSA), both of which may result in the resolution of this matter without the need of an evidentiary hearing.

{¶ 6} By Entry issued October 30, 2018, the attorney examiner directed the parties to file a status report by November 16, 2018, indicating whether the interpretative documents have been received from the U.S. Department of Labor and PHMSA. If no such report was filed by that date, the attorney examiner indicated that it would be presumed that the parties were ready to proceed to an evidentiary hearing.

{¶ 7} Thereafter, on November 20, 2018, Staff filed correspondence indicating that Respondents have paid the assessed civil forfeiture in full. As such, Staff requests that the case be dismissed, in accordance with Ohio Adm.Code 4901:2-7-22.

{¶ 8} Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of the forfeiture shall terminate all further proceedings regarding that violation.

{¶ 9} In view of the payment of the forfeiture, the Commission finds that this case should be dismissed and closed of record.

III. ORDER

{¶ 10} It is, therefore,


{¶ 11} ORDERED, That this case be dismissed and closed of record. It is, further,

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


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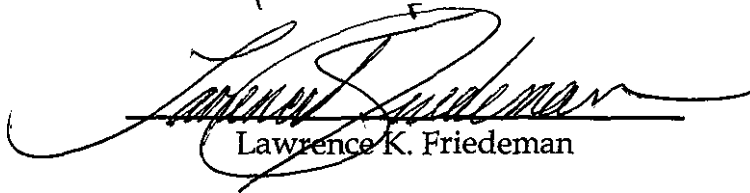
Asim Z. Haque, Chairman



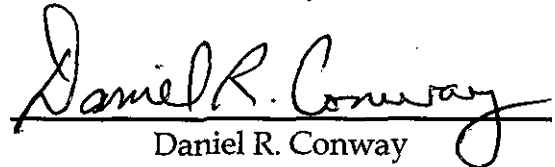
M. Beth Trombold



Thomas W. Johnson



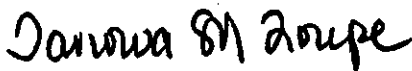
Lawrence K. Friedeman



Daniel R. Conway

MJA/mef

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JAN - 9 2019



Tanowa M. Troupe
Secretary