

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THERMO FISHER  
SCIENTIFIC, INC., NOTICE OF APPARENT  
VIOLATION AND INTENT TO ASSESS  
FORFEITURE.

CASE NO. 20-1206-TR-CVF

## ENTRY

Entered in the Journal on December 16, 2020

### I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss the alleged violation concerning transportation regulations.

### II. DISCUSSION

{¶ 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 (FMCSR) 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.

{¶ 3} Staff served a notice of preliminary determination upon Thermo Fisher Scientific, Inc. (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations, specifically 49 C.F.R. 383.23(a)(1).

{¶ 4} On June 26, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} Respondent participated in a settlement conference with Staff on August 25, 2020, after which Staff further investigated the matter.

{¶ 6} On November 27, 2020, Staff filed a motion to dismiss the case. In the motion, Staff states that it has reviewed information provided by Respondent and concluded that the violation did not occur. Staff adds that the Ohio State Highway Patrol has deleted the violation and requests that this case be dismissed.

{¶ 7} The Commission finds that Staff's motion to dismiss is reasonable and should be granted.

### III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Staff's motion to dismiss be granted and this case be closed of record. It is, further,

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

#### COMMISSIONERS:

##### *Approving:*

M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JML/hac

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

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**Case No(s). 20-1206-TR-CVF**

Summary: Entry granting Staff's motion to dismiss the alleged violation concerning transportation regulations. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio