

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CALEB COX, NOTICE  
OF APPARENT VIOLATION AND INTENT  
TO ASSESS FORFEITURE.

CASE NO. 20-1350-TR-CVF  
(OH3204303910D)

### ENTRY

Entered in the Journal on July 20, 2021

{¶ 1} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served a notice of preliminary determination upon Caleb Cox (Respondent) alleging a violation of the Commission's transportation regulations.

{¶ 2} On August 4, 2020, Respondent filed a request for an administrative hearing as permitted by Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated September 11, 2020, the attorney examiner scheduled a prehearing settlement conference in this matter for October 14, 2020. During the conference, the parties were unable to settle the matter. Due to COVID-19 state of emergency, this matter was not immediately set for hearing.

{¶ 4} By Entry dated July 13, 2021, the attorney examiner scheduled a hearing in this case to occur on August 17, 2021, at 10:00 a.m. at the offices of the Commission.

{¶ 5} On July 16, 2021, Staff filed a motion for continuance of the hearing date owing to a scheduling conflict. Staff asserts that Respondent does not object to the continuance.

{¶ 6} At this time, the attorney examiner finds reasonable the request for a continuance of the hearing scheduled for August 17, 2021. The hearing shall therefore be rescheduled to occur on August 31, 2021, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. consistent with the health guideline information found in the Entry issued July 13, 2021.

{¶ 7} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in

default. The rule further states that respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 8} At the hearing, Staff must prove, by preponderance of the evidence, that Respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 9} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing in this case be rescheduled as indicated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis  
Attorney Examiner

GAP/kck

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

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**in**

**Case No(s). 20-1350-TR-CVF**

Summary: Attorney Examiner Entry re-scheduling the hearing to occur on August 31, 2021, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio