

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF AMERICA'S BEST  
TRANSPORTATION, INC., NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 20-1755-TR-CVF  
(OH1778000244C)

### ENTRY

Entered in the Journal on December 2, 2021

{¶ 1} Staff served a notice of preliminary determination upon America's Best Transportation, Inc. (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On December 1, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated January 26, 2021, the attorney examiner scheduled a prehearing conference for February 23, 2021. During the prehearing conference, Respondent and Staff were unable to reach a settlement. Due to the COVID-19 state of emergency, this matter was not immediately set for hearing.

{¶ 4} On May 17, 2021, the Director of the Ohio Department of Health issued an Order indicating that "except in certain limited circumstances, fully vaccinated persons may safely do most activities without a facial covering and without social distancing." This Order was intended to align the state of Ohio's health orders with new guidance from the Centers for Disease Control and Prevention (CDC). These new guidelines became effective in the state of Ohio on June 2, 2021.

{¶ 5} In light of the updated health-safety guidelines, the attorney examiner finds it appropriate to schedule a hearing for April 12, 2022, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing. Consistent with CDC guidelines and the May 17, 2021 Ohio Department of Health Order, individuals who are not fully

vaccinated should continue to wear face coverings and socially distance. Additionally, all attendees shall abide by any safety and mitigation measures required by local orders or in place at the Commission's offices at the time of the hearing. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room will be posted on the Commission website or communicated to the parties.

{¶ 6} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the evidentiary hearing shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture described in the notice.

{¶ 7} Additionally, Ohio Adm.Code 4901-1-08 requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio. However, pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear before the Commission in the determination of transportation matters involving questions of fact only.

{¶ 8} At the hearing, Staff must prove, by a 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 its contentions regarding the alleged violation in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing in this case be scheduled as indicated in Paragraph 5. 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/David M. Hicks

By: David M. Hicks  
Attorney Examiner

SJP/kck

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**12/2/2021 2:18:25 PM**

**in**

**Case No(s). 20-1755-TR-CVF**

Summary: Attorney Examiner Entry ordering that a hearing in this case be scheduled as indicated in Paragraph 5. electronically filed by Kelli C. King on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio