



# DAVE YOST

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December 7, 2021

The Honorable Nick Walstra  
Public Utilities Commission of Ohio  
180 East Broad Street, 12th Floor  
Columbus, OH 43215-3793

Re: Staff's Response to Applicant's Request  
to Reopen the Proceeding,  
Case No. 21-1179-TR-CVF

Dear Examiner Nick Walstra:

In response to the request to reopen the proceeding filed by Anastasiya Chugay (Applicant) in this matter on behalf of Ohio Transportation Service, LLC, the Staff of the PUCO Transportation Division (Staff) makes the following statements:

1. On May 28, 2021, the Public Utilities Commission of Ohio (PUCO) conducted a compliance review of the Ohio Transportation Service LLC facility located at 8127 Bushclover Dr., Tipp City, Ohio 45371.
2. On June 12, 2021, as a result of the compliance review, Applicant was served with a Notice of Apparent Violation and Intent to Assess Forfeiture (NIF) for violations of the Commission's rules. The NIF provided thirty (30) days for the Applicant to respond to the NIF by either requesting a conference or paying the forfeiture due. The NIF advised the Applicant that failure to respond to the NIF would result in admission of the violations as fact and potential suspension of the Applicant's commercial driver's license (CDL). The NIF also stated that payment of the forfeiture would act as an admission of the violations.
3. Applicant did not pay the forfeiture amount or otherwise respond to the NIF.

4. On September 27, 2021, the Commission mailed a letter to the Applicant. The letter informed the Applicant that failure to pay the civil forfeiture by the deadline would result in the forfeiture amount being referred to the Ohio Attorney General's office for collection, and may result in additional sanctions of operating authority and driving privileges in the state of Ohio.
5. On November 6, 2021, the case was submitted to the Ohio Attorney General's office for collections, as the Applicant neither paid the civil forfeiture amount nor requested a conference.
6. On November 10, 2021, Applicant called the PUCO and said that she told the Attorney General's Office that she attempted to set up a conference and payment arrangement but was unable due to a "glitch" in the system.
7. On November 15, 2021, the Applicant filed a letter with the PUCO stating Applicant contacted the PUCO by phone and attempted to request a conference but was unable due to a "glitch" in the system. In this letter, the Applicant requested that the Commission reopen her case. The Commission's Docketing Division opened a case and docketed this request, as is custom.

Staff recommends denial of the Applicant's request to reopen this case because it is an improper attempt to argue a matter that has already been closed and turned over to the Ohio Attorney General's office for collections. The Applicant was provided multiple opportunities to request a conference to challenge the violations in this case and did not do so. The Applicant was also advised on multiple occasions that failure to respond to the Commission's communications would constitute an admission of guilt and acceptance of all penalties against the Applicant.

The Applicant's lack of response to the Commission's notices operates as an admission of the violations listed in the NIF. Therefore, it is Staff's position that the Applicant's request is without merit and should be denied. In the alternative, if the Commission desires more information from the Applicant before ruling on his request, Staff recommends that the Commission issue a show cause order requiring a response from the Applicant within 20 days demonstrating and showing good cause why the case should be reopened.

Respectfully submitted,

/s/ Sarah Feldkamp

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**On Behalf of Staff of the  
Public Utilities Commission of Ohio**

cc: Parties of Record

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**Case No(s). 21-1179-TR-CVF**

Summary: Correspondence Regarding Staff's Response to Applicant's Request to  
Reopen the Proceeding electronically filed by Mrs. Kimberly M. Naeder on behalf of  
PUCO