

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CLEVELAND EXPRESS  
TRUCKING COMPANY, INC., NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 21-1039-TR-CVF  
(OH3212300873C)

### ENTRY

Entered in the Journal on April 13, 2022

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

{¶ 2} On October 5, 2021, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated November 4, 2021, the attorney examiner scheduled a prehearing conference for December 8, 2021. During the prehearing conference, Respondent and Staff were unable to reach a settlement.

{¶ 4} At this time, the attorney examiner finds that this matter should be scheduled for an evidentiary hearing on July 26, 2022, at 10:00 a.m., Eastern time. The hearing will take place at the Commission offices, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th Floor in order to participate in the hearing. As COVID-related restrictions are evolving, instructions regarding any safety requirements or accommodations for the hearing room may be forthcoming, either posted on the Commission website or communicated to the parties.

{¶ 5} 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 a 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 of preliminary determination.

{¶ 6} 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).

{¶ 7} 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 violations in this matter

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled for July 26, 2022, in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks  
Attorney Examiner

NJW/kck

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

**4/13/2022 8:56:50 AM**

**in**

**Case No(s). 21-1039-TR-CVF**

Summary: Attorney Examiner Entry ordering that a hearing be scheduled for July 26, 2022, in accordance with Paragraph 4. electronically filed by Kelli C. King on behalf of David Hicks, Attorney Examiner, Public Utilities Commission of Ohio