

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF XTE, INC., NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 21-71-TR-CVF
(OH0228000648C)

ENTRY

Entered in the Journal on April 20, 2022

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

{¶ 2} On January 22, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On February 12, 2021, the attorney examiner scheduled a prehearing conference for February 25, 2021. During the prehearing conference, Staff and Respondent were unable to reach a settlement.

{¶ 4} Accordingly, the attorney examiner schedules a hearing for June 13, 2022, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 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.

{¶ 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.

{¶ 6} 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. 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. However, such an employee cannot act as an attorney.

{¶ 7} 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).

{¶ 8} 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 violations in this matter.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a hearing be scheduled for June 13, 2022, in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor
Attorney Examiner

NJW/kck

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

Case No(s). 21-0071-TR-CVF

Summary: Attorney Examiner Entry ordering that a hearing be scheduled for June 13, 2022, in accordance with Paragraph 4. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio