

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF VERSUM MATERIALS
US, LLC, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 22-135-TR-CVF
(OH321300930S)

ENTRY

Entered in the Journal on December 14, 2022

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

{¶ 2} On February 22, 2022, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} As set forth in Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 4} A prehearing conference was held between Respondent and Staff on April 20, 2022; however, the parties were unable to reach a settlement.

{¶ 5} At this time, the attorney examiner finds that this matter should be scheduled for an evidentiary hearing on March 1, 2023, at 10:00 a.m., Eastern time. The hearing will take place at the Commission offices, Hearing Room 11-D, 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.

{¶ 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 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.

{¶ 7} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violations, 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 its contentions regarding the alleged violations in this matter.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That an evidentiary hearing in this case be scheduled for March 1, 2023, in accordance with Paragraph 5. It is, further,

{¶ 11} 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

DMH/dmh

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

12/14/2022 11:35:58 AM

in

Case No(s). 22-0135-TR-CVF

Summary: Attorney Examiner Entry that this matter should be scheduled for an evidentiary hearing on March 1, 2023, at 10:00 a.m., Eastern time. The hearing will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio