

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JNB TRANSPORT LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-1016-TR-CVF
(OH1238005543C)

ENTRY

Entered in the Journal on January 18, 2023

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

{¶ 2} On September 30, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} Respondent participated in a settlement conference with Staff on December 9, 2021, but the parties did not resolve the matter.

{¶ 4} On March 15, 2022, an Entry was issued scheduling an April 22, 2022 hearing. However, on April 21, 2022, after discussion with Respondent, the attorney examiner concluded that the hearing needed to be rescheduled to August 15, 2022.

{¶ 5} On July 25, 2022, Staff filed a motion for continuance because of scheduling conflicts, indicating that one of its witnesses would not be available until at least August 24, 2022. The attorney examiner granted the continuance on July 26, 2022.

{¶ 6} Accordingly, the hearing shall take place on April 6, 2023, at 1:00 p.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.

{¶ 7} 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.

{¶ 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 his contentions regarding the alleged violation in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for 1:00 p.m. on April 6, 2023, as indicated in Paragraph 6. 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

NJW/hac

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

Case No(s). 21-1016-TR-CVF

Summary: Attorney Examiner Entry ordering that the hearing shall take place on April 6, 2023, at 1:00 p.m. at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission