

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF SILK WAY CARGO INC.,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-928-TR-CVF
(OH3245014497C)

ENTRY

Entered in the Journal on September 8, 2023

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

{¶ 2} On October 6, 2022, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On December 20, 2022, an Entry was issued scheduling a January 5, 2023 settlement conference call.

{¶ 4} Staff attempted to call Respondent on January 5, 2023, but was not successful, and the prehearing conference was rescheduled for February 13, 2023.

{¶ 5} The parties participated in the February 13, 2023 conference call but did not agree upon a settlement. In addition, Respondent indicated that it wanted to proceed to a hearing and would find legal counsel for representation.

{¶ 6} In the months following February 13, 2023, Respondent repeatedly informed the attorney examiner that it was continuing its search for an attorney. However, in May 2023, Respondent stated in an email to the attorney examiner that it had decided to proceed to a hearing without counsel.

{¶ 7} Accordingly, a hearing was scheduled for August 14, 2023. However, on August 10, 2023, a Silk Way representative contacted the attorney examiner to request a continuance because of travel outside of the United States. The representative further

informed the attorney examiner that continuing the hearing to a date after September 15, 2023 was sufficient time.

{¶ 8} In an August 15, 2023 Entry, a hearing was scheduled for September 22, 2023. After issuance of the Entry, however, a conflict arose for the attorney examiner with the September 22, 2023 hearing date.

{¶ 9} Accordingly, the hearing shall be rescheduled to October 30, 2023, 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.

{¶ 10} 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.

{¶ 11} 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).

{¶ 12} 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.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the hearing be rescheduled for 10:00 a.m. on October 30, 2023, as indicated in Paragraph 9. It is, further,

{¶ 15} 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

JSA/mef

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 22-0928-TR-CVF

Summary: Attorney Examiner Entry rescheduling the hearing for October 30, 2023, 10:00 a.m. at the Commission offices, Hearing Room 11-D electronically filed by Ms. Mary E. Fischer on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.