

FILE

FAX

FAX

RECEIVED

APR 11 2024

DOCKETING DIVISION
Public Utilities Commission of Ohio

Date: 04/11/2024 20:33:50+00:00 GMT

TO

Fax Number: 16144660313

Name: Monica al PUCO

FROM

Fax Number: 17402183214

Name: Heather Crews

Company: North Star Metals

Subject: Updated Application for ReHearing Cas NO 21-1011-^{TR}CVF

Notes:

Good afternoon, Please find attached our amended application for Re-Hearing which we are re-sending per a conversation with Monica this afternoon. Should there be further questions or issues, please feel free to reach out to me at 740-218-3212. Thank you! Heather E. Crews HR MGR

This Fax is Powered by 8x8, Inc

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician SJR Date Processed 4.11.24



Manufacturer of Metal Roofing, Siding and Custom Metal Solutions

March 19, 2023

Public Utilities Commission of Ohio

ATTN: Docketing Division

180 E. Broad Street, 11th Floor

Columbus, Ohio 43215-3793

RE: Application for Rehearing for Case No. 21-1011-TR-CVF (Formerly Case No. OH322005114C)

Dear Sir or Madam:

We received notice of Preliminary Determination dated September 9, 2021, regarding Case No. OH322005114C, now listed as Case No. 21-1011-TR-CVF and are applying for Rehearing of this case as the hearing date of June 22, 2022 for North Star to present physical evidence was cancelled by Kyle L. Kern on behalf of the PUCO, per an Email North Star received on June 21, 2022.

Enclosed with this letter, please find copies of documentation regarding the Motion to Continue Hearing as referenced above, as well as other documentation related to Case No. 21-1011-TR-CVF. This Motion, at the request of the PUCO, states that another hearing would be set at a later date.

As no new date was provided giving North Star the opportunity to present further evidence to counter the perceived violations as planned during the original hearing date regarding Case No. 21-1011-TR-CVF.

Further, as we have been instructed to include upon review of our rehearing request, it should be noted that a Settlement Agreement was sent to a Mr. Vic Hottinger, who works for North Star as a Lead Mechanic, for his signature to agree to settlement. Mr. Hottinger does not have the authority to authorize/approve a settlement agreement of this nature on behalf of North Star Metals, nor was he ever listed as such person by North Star metals

For the reasons listed above, we respectfully ask for a re-hearing date, allowing North Star to provide its evidence.

Included in our letter on September 16, 2021, was a diagram as a visual reference and we are including again for our rehearing application request. We would like to submit this request for further review of the following violation(s).

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>Review Requested</u>
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.47	Group 1	Inadequate brakes for safe stopping – Brake Lining Condition	Agree – Brake Lining issue resolved

On the trailer in question, for above listed violation Code 393.48 (4 instances), the Dexter Axle 10k-12k /Disc brakes were inspected and the shoulder screw was noted to our driver as the issue as the shoulder screw was not locked in and had movement. Shoulder bolts, or shoulder screws, have a long, unthreaded, cylindrical shoulder that allows for the rotation of attached parts like pulleys, gears, moving parts of engines and mechanical assemblies, and rolling wheels. (Please see the diagram as a visual.) We would appreciate further consideration on the 4 violations listed under Code 393.48 for this reason.

We thank you for your time and should there be further questions, please feel free to reach me at 740-254-4567 or my direct line of 740-218-3212.

We appreciate the opportunity to apply for re-hearing so that we may present our evidence in person as originally planned.

Thank you,

A handwritten signature in cursive script that reads "Heather E. Crews".

Heather E. Crews,

Human Resources



Manufacturer of Metal Roofing, Siding and Custom Metal Solutions

March 19, 2023

Public Utilities Commission of Ohio

ATTN: Docketing Division

180 E. Broad Street, 11th Floor

Columbus, Ohio 43215-3793

RE: Application for Rehearing for Case No. 21-1011-TR-CVF (Formerly Case No. OH322005114C)

Dear Sir or Madam:

We received notice of Preliminary Determination dated September 9, 2021, regarding Case No. OH322005114C, now listed as **Case No. 21-1011-TR-CVF** and are applying for Rehearing of this case as the hearing date of June 22, 2022 for North Star to present physical evidence was cancelled by Kyle L. Kern on behalf of the PUCO, per an Email North Star received on June 21, 2022.

Enclosed with this letter, please find copies of documentation regarding the Motion to Continue Hearing as referenced above, as well as other documentation related to Case No. 21-1011-TR-CVF. This Motion, at the request of the PUCO, states that another hearing would be set at a later date.

As no new date was provided giving North Star the opportunity to present further evidence to counter the perceived violations as planned during the original hearing date regarding Case No. 21-1011-TR-CVF, we respectfully ask for a re-hearing date, allowing North Star to provide its evidence.

Included in our letter on September 16, 2021, was a diagram as a visual reference and we are including again for our rehearing application request. We would like to submit this request for further review of the following violation(s).

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We thank you for your time and should there be further questions, please feel free to reach me at 740-254-4567 or my direct line of 740-218-3212.

We appreciate the opportunity to apply for re-hearing so that we may present our evidence in person as originally planned.

Thank you,

A handwritten signature in black ink that reads "Heather E. Crews". The signature is written in a cursive style.

Heather E. Crews,

Human Resources

From: [Kyle Kern](#)
To: [Heather Crews](#)
Subject: RE: Submission of Evidence for Hearing on 06/22/2022
Date: Tuesday, June 21, 2022 12:51:14 PM
Attachments: [Image001.png](#)
[North Star Motion to Continue.pdf](#)

Hello Heather,

Staff would like the opportunity to have further settlement discussions with North Star. For this reason, we filed a Motion to Continue the hearing date today at the PUCO (meaning we have requested that the hearing be moved from tomorrow's date). I have attached the Motion hereto.

Please let me know if you have any questions, and we can arrange a time in the near future to discuss settlement.

Thank you.

Kyle Kern

From: Heather Crews <HCrews@northstarmetals.com>
Sent: Friday, June 17, 2022 4:37 PM
To: Kyle Kern <Kyle.Kern@OhioAGO.gov>
Cc: Heather Crews <HCrews@northstarmetals.com>
Subject: Submission of Evidence for Hearing on 06/22/2022
Importance: High

You don't often get email from hcrews@northstarmetals.com. [Learn why this is important](#)

Good afternoon,

Per a phone conversation with a representative from the PUCO earlier this afternoon, I am writing to you on behalf of our organization, North Star Metals Mfg. Co. to inform you that we would like to bring/submit physical evidence for our upcoming hearing. Our organization is scheduled for a hearing at 10AM on June 22, 2022 at the PUCO Office, 180 E. Broad Street, Hearing Room 11-C, Columbus, Ohio 43215.

Attached you will find a few attachments of documentation sent between the PUCO and our organization. In the attachment with our letter to the PUCO, there page 2 shows an example of a Hydraulic Disc Brake. At this time, our team members, Victor Hottinger and Darren Galbraith, plan to bring the physical part to show how it functions to ensure understanding of the part, which is difficult to represent in the documents.

Should there be any issues with our team bringing in this evidence, please feel free to contact our main number and ask for either Victor or Darren, as I will be out of the office on Tuesday, June 21, 2022 when you may be back in the office. (I was informed by the PUCO representative on the phone that there will be a federal holiday observed on Monday, June 22, 2022.) Our team members will be

leaving early in the morning Wednesday, as they live roughly 2 hours from the PUCO offices.

Thank you and have a wonderful weekend!

Heather E. Crews

Human Resources Manager

Direct Dial: 740.218.3212

Direct Fax: 740.218.3214

Cell: 330.407.4766

www.northstarmetals.com

**NORTH
STAR** STEEL

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter of North Star Metals,	:	
MFG., Co., Notice of Apparent	:	Case No. 21-1011-TR-CVF
Violation and Intent to Assess	:	(OH322005114C)
Forfeiture.	:	

**MOTION TO CONTINUE HEARING DATE
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Staff of the Public Utilities Commission of Ohio (Staff) respectfully moves for a continuance of the hearing currently scheduled for June 22, 2022. Staff also requests that the Public Utilities Commission of Ohio (Commission) grant this motion on an expedited basis pursuant to Ohio Adm.Code 4901-1-12(C). The reasons for this motion are set forth more fully in the attached memorandum.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Kyle L. Kern

Kyle L. Kern
Assistant Attorneys General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215-3414
614.466.4395 (telephone)
866.431.4694 (facsimile)
Kyle.Kern@ohioattorneygeneral.gov

On Behalf of the Staff of
Public Utilities Commission

MEMORANDUM IN SUPPORT

On September 28, 2021, Respondent submitted a request for an administrative hearing with the Public Utilities Commission of Ohio (Commission) in the above-captioned proceeding. By entry dated May 6, 2022, the Commission set a date for an evidentiary hearing to begin on June 22, 2022 at 10:00 a.m. Staff respectfully requests that the hearing be continued to allow time for further settlement negotiation discussions. Accordingly, Staff respectfully requests a ruling that the hearing date of June 22, 2022, be rescheduled to a mutually available time for the parties. Staff also requests that the Commission grant this motion on an expedited basis pursuant to Ohio AdmCode 4901-1-12(C).

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Kyle L. Kern

Kyle L. Kern
Assistant Attorneys General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215-3414
614.466.4395 (telephone)
866.431.4694 (facsimile)
Kyle.Kern@ohioattorneygeneral.gov

**On Behalf of the Staff of
Public Utilities Commission of Ohio**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Foregoing **Motion to Continue Hearing**
Date, was served via electronic mail upon the following parties of record, this 21st day of
June 2022.

/s/ Kyle L. Kern

Kyle L. Kern

Assistant Attorney General

PARTIES OF RECORD:

HOTTINGER, VIC
6850 EDWARDS RIDGE ROAD S.E.
UHRICHSVILLE OH 44683

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

6/21/2022 11:44:58 AM

in

Case No(s). 21-1011-TR-CVF

Summary: Motion and Memorandum electronically filed by Mrs. Tonnetta Y. Scott
on behalf of PUCO

From: [Kyle Kern](#)
To: [Michael.Williams@puco.ohio.gov](#); [Heather Crews](#)
Cc: [Jesse.Davis@puco.ohio.gov](#)
Subject: RE: 21-1011-TR-CVF
Date: Tuesday, June 21, 2022 1:57:34 PM

Thank you. I did leave her a voicemail earlier, and will call again to let her know the continuance has been granted. I appreciate your help on this.

Thanks!

From: Michael.Williams@puco.ohio.gov <Michael.Williams@puco.ohio.gov>
Sent: Tuesday, June 21, 2022 1:29 PM
To: Kyle Kern <Kyle.Kern@OhioAGO.gov>; HCrews@northstarmetals.com
Cc: Jesse.Davis@puco.ohio.gov; Michael.Williams@puco.ohio.gov
Subject: RE: 21-1011-TR-CVF

Kyle,

Ms. Crews' email indicated that she is out today. I trust that you have/will communicate(d) to Respondent re the continuance. If there's more we need to do to let them know, please advise.

Thanks, as always.

Mike

From: Williams, Michael <[Michael.Williams@puco.ohio.gov](#)>
Sent: Tuesday, June 21, 2022 1:26 PM
To: Kern, Kyle <[Kyle.Kern@OhioAGO.gov](#)>; [HCrews@northstarmetals.com](#)
Cc: Williams, Michael <[Michael.Williams@puco.ohio.gov](#)>; Davis, Jesse <[Jesse.Davis@puco.ohio.gov](#)>
Subject: 21-1011-TR-CVF

Want to expeditiously share that today's motion for continuance is being granted. An Entry will publish later this afternoon. But don't want anyone to worry about driving in tomorrow.

Let us know if you need anything further.

Mike/Jesse

Michael Williams
Attorney Examiner
Public Utilities Commission of Ohio
[Michael.Williams@puco.ohio.gov](#)
614.466.0106

CONFIDENTIAL

This email message is intended to be used exclusively by the addressee(s). This message contains information that may be privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, and attachments, is strictly prohibited. If you received this communication in error, please permanently delete the original and any copy of the message and contact Michael Williams, PUCO Attorney Examiner, at (614) 466-0106. Thank you.



Manufacturer of Metal Roofing, Siding and Custom Metal Solutions

September 16, 2021

Public Utilities Commission of Ohio

ATTN: Docketing Division

180 E. Broad Street, 11th Floor

Columbus, Ohio 43215-3793

RE: Notice of Preliminary Determination, Case No. OH322005114C

Dear Sir or Madam:

We received notice of Preliminary Determination regarding Case No. OH322005114C. Enclosed with this letter, please find a copy of a diagram as a visual reference for our review request and the Notice Dated September 9, 2021. We would like to submit request for further review of the following violation(s).

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>Review Requested</u>
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.47	Group 1	Inadequate brakes for safe stopping – Brake Lining Condition	Agree – Brake Lining issue resolved

On the trailer in question, for above listed violation Code 393.48 (4 instances), the Dexter Axle 10k-12k /Disc brakes were inspected and the shoulder screw was noted to our driver as the issue as the shoulder screw was not locked in and had movement. Shoulder bolts, or shoulder screws, have a long, unthreaded, cylindrical shoulder that allows for the rotation of attached parts like pulleys, gears, moving parts of engines and mechanical assemblies, and rolling wheels. (Please see the diagram as a visual.) We would appreciate further consideration on the 4 violations listed under Code 393.48 for this reason.

We thank you for your time and should there be further questions, can make a part of our staff available. Our Main number is 740-254-4567, with offices open from 8AM-5PM, Monday through Friday, with our Maintenance/Mechanic staff leaving at approximately 3pm each day.

We appreciate your further consideration and opportunity for review.

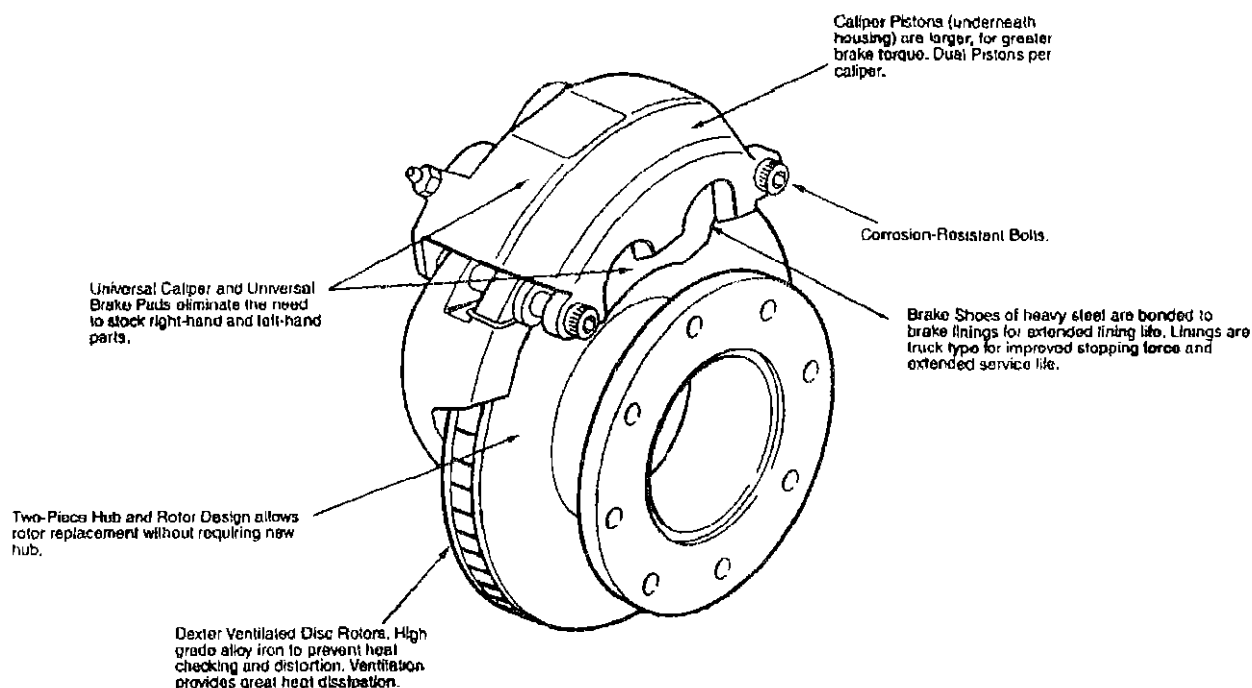
Thank you,

A handwritten signature in black ink, appearing to read "Heather F. Crews".

Heather F. Crews,

Human Resources

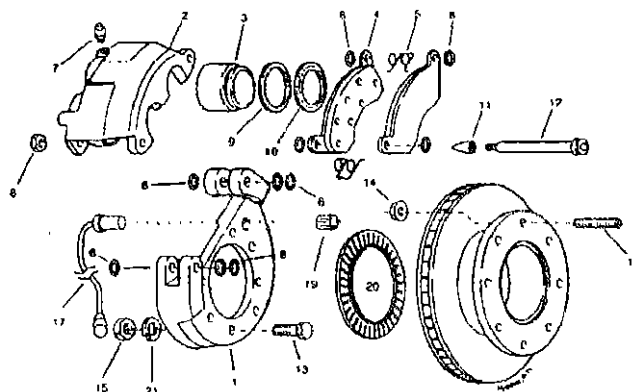
10,000 and 12,000 Lb. Hydraulic Disc Brake



Hydraulic Disc Brake Parts

Item	Description	Qty/Brake	10K, 12K
1	Anchor Yoke Assembly (includes 6 of item #6)	1	090-002-02
2	Caliper Assembly (includes items #8, 3, 8, 10)	1	089-002-02
3	Caliper Piston	2	054-066-00
12	Shoulder Screw $\frac{1}{8}$ x 5	2	007-188-00
13	Hex Screw $\frac{1}{8}$ -20 x 1.75	7	007-116-00
14	Flange Nut	8	006-046-00
15	Hex Nut $\frac{1}{8}$ -20	7	006-017-00
16	Rotor Mounting Stud	8	025-014-00
17	ABS Sensor (straight)	1	097-004-00
19	ABS Sensor Retaining Clip	1	097-002-00
20	ABS Tone Ring	1	024-203-00
21	Lock Washer	7	005-008-00
Caliper Repair Kit Contains:			
8	"O" Ring	4	010-082-00
7	Bleeder Screw	1	054-069-00
8	Caliper Seal	2	054-067-00
10	Dust Boot	2	054-068-00
Disc Brake Replacement Pad Kit Contains:			
4	Brake Pad	4	091-003-00
5	Anti-Rattle Spring	4	046-105-00
6	"O" Ring	20	010-082-00
8	Hex Locknut	4	006-125-00
11	Installation Tool	1	071-182-00

Recommend hose with banjo fitting.
 $\frac{1}{8}$ -20 threaded hole for fitting.





Public Utilities Commission

Jenifer French, Chair

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

September 9, 2021

RECEIVED
SEP 16 2021

Vic Hottinger
6850 Edwards Ridge RD SE
Uhrichsville, OH 44683

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. OH3220005114C

Dear Sir or Madam:

On 08/02/2021, a vehicle operated by NORTH STAR METALS MFG CO, and driven by, KERNS, SCOTT A was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified NORTH STAR METALS MFG CO pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against NORTH STAR METALS MFG CO in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.47 A	Group 1	Inadequate brakes for safe stopping - Brake Lining condition	\$ 0.00
	Group 1	Group 1 Violations	\$ 250.00
<u>Original Amount Due:</u>			\$250.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which NORTH STAR METALS MFG CO had a full opportunity to present reasons why the violation(s) did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by the Staff.



As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against NORTH STAR METALS MFG CO in the following amount:

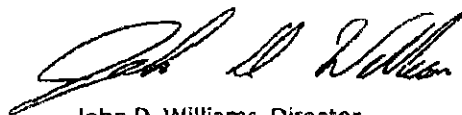
<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.48 A	Group 1	Inoperative/defective brakes	\$ 0.00
393.47 A	Group 1	Inadequate brakes for safe stopping - Brake Lining condition	\$ 0.00
	Group 1	Group 1 Violations	\$ 250.00
		<u>New Amount Due:</u>	\$250.00

Within 30 days of this notice you must either: 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). Such failure shall also constitute a waiver of your right to further contest liability to the State of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's Office for collection. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Preliminary Determination."

Sincerely,



John D. Williams, Director
Transportation Department

cc: Mark Banks



INSTRUCTION SHEET NOTICE OF PRELIMINARY DETERMINATION

Please read these instruction sheets carefully. They contain information about your rights and responsibilities in regard to this "Notice of Preliminary Determination."

You have received a "Notice of Preliminary Determination" as described in 4901:2-7-12, Ohio Administrative Code (OAC). Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing. **If you do not pay the forfeiture or request a hearing within 30 days of this notice, your case will be placed in our default process. Additionally, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.**

How to pay the forfeiture

Online <https://www.puco.ohio.gov/sc/mcps/>
Enter the case number and PIN located on the enclosed invoice.

Mail Public Utilities Commission of Ohio
Attn: Fiscal Section
180 E. Broad Street, 4th Floor
Columbus, Ohio 43215-3793

Send check/money order (no foreign checks/money orders) made payable to **"Public Utilities Commission of Ohio"**. To ensure proper credit, write the case number on the face of the check or money order.

* Payments cannot be completed by telephone

How to make a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, you should file a "Request for an Administrative Hearing" with the Commission's Docketing Division as described in Rule 4901:2-7-13, OAC.

Your "Request for an Administrative Hearing" must be in writing and must contain the case number found at the top of the "Notice of Preliminary Determination." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. The request shall be signed by the Respondent or the Respondent's authorized representative. A copy of the "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered within 30 days of this notice to the following address:

Public Utilities Commission of Ohio
ATTN: Docketing Division
180 E. Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Failure to submit a Request for Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's Office for collection. Also, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (CFR). Some section numbers may have suffixes beyond those appearing in the CFR. These are used for internal data collections purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violations Group" identifies the assigned numerical group (1-4) for the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code (ORC) authorizes the Public Utilities Commission of Ohio to assess civil forfeiture up to \$25,000 for each day of each violation. The amount of any forfeiture is dependent upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's violation history. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.



ATTENTION DRIVER**Potential Disqualification**

If the roadside inspection leading to this letter identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If the Public Utilities Commission of Ohio (PUCO) finds you committed a violation of any of these regulations, the violation will be treated as a conviction¹ for the purposes of federal and state law and notice of such conviction will be forwarded to the Ohio Bureau of Motor Vehicles (BMV). The BMV may disqualify you from operating a commercial motor vehicle for a minimum of 60 days. Any BMV sanction is in addition to sanctions imposed by the PUCO.

177.804B1	177.804(b)(1)	Failure to comply with 49 CFR Section 392.12 Complying With Safe Clearance Requirements For Highway-Rail Grade Crossings.
177.804B2	177.804(b)(2)	Failure to comply with 49 CFR Section 392.80 Texting While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804B3	177.804(b)(3)	Failure to comply with 49 CFR Section 392.82 Using a Cell Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804C	177.804(c)	Failure to comply with 49 CFR Section 392.82 Using a Handheld Mobile Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placard.
2-5-07D	392.2	Operating a CMV after Driver or Vehicle declared out of service.
383.23A2	383.23(a)(2)	Operating a CMV without a CDL.
383.51A	383.51(a)	Driving a CMV while disqualified from holding a CDL.
383.51A-NSIN	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and in the state of driver's license issuance.
383.51A-NSOUT	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and outside the state of driver's license issuance.
383.51A-SIN	383.51(a)	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.
383.51A-SOUT	383.51(a)	Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the state of driver's license issuance.
383.91A	383.91(a)	Operating a CMV with improper CDL group.
383.93B1	383.93(b)(1)	No double or triple trailer endorsement on CDL when required.
383.93B2	383.93(b)(2)	No passenger vehicle endorsement on CDL when required.
383.93B3	383.93(b)(3)	No tank vehicle endorsement on CDL when required.
383.93B4	383.93(b)(4)	No hazardous materials endorsement on CDL when required.
383.93B5	383.93(b)(5)	Operating a School Bus without a school bus endorsement as described in 383.93(b)(5).
391.15A	391.15(a)	Driving a CMV while disqualified.
391.15A-NSIN	391.15(a)	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.
391.15A-NSOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a non-safety-related reason and outside the state of driver's license issuance.
391.15A-SIN	391.15(a)	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of driver's license issuance.
391.15A-SOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a safety-related or unknown reason and outside the driver's license state of issuance.
392.10A1	392.10(a)(1)	Failure to stop at railroad crossing - Bus transporting passengers.
392.10A2	392.10(a)(2)	Failure to stop at railroad crossing - CMV transporting Division 2.3 Chlorine.
392.10A3	392.10(a)(3)	Failure to stop at railroad crossing - CMV requiring display of HM placards.
392.10A4	392.10(a)(4)	Failure to stop at railroad crossing - HM Cargo Tank vehicle.
392.11	392.11	Commercial Vehicle failing to slow down approaching a railroad crossing.
392.12	392.12	No Driver of a Commercial Motor Vehicle Shall Drive Onto a Highway-Rail Grade Crossing Without Having Sufficient Space to Drive Completely Through the Crossing Without Stopping.
392.4A	392.4(a)	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.
392.5A2-UI	392.5(a)(2)	Operating a CMV while under the influence of an intoxicating beverage regardless of its alcohol content.
392.5C2	392.5(c)(2)	Violating OOS order pursuant to 392.5(a)/(b) - Alcohol prohibitions.
392.80A	392.80(a)	Driving a commercial motor vehicle while Texting.
392.82A1	392.82(a)(1)	Using a hand-held mobile telephone while operating a CMV.
395.13D	395.13(d)	Driving after being declared out-of-service for HOS violation(s).
396.9C2	396.9(c)(2)	Operating an out-of-service vehicle.

¹ Federal regulations define "conviction" as, "... a determination that a person has violated or failed to comply with the law ... by an authorized administrative tribunal, ... the payment of a fine or court cost, ... regardless of whether or not the penalty is rebated, suspended, or probated." 49 CFR 383





Public Utilities Commission

Jenifer French, Chair, Chairman

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

NORTH STAR METALS MFG CO
P O BOX 309
GNADENHUTTEN, OH 44629-0309

Invoice #: 21-00069341
Date: 09/08/2021
Due Date: 10/08/2021
PIN #: AZPDkNOR
Case #: OH3220005114C

2021

Item #	Type	Description	Amount Due
INVD-0174461	Civil Forfeiture Non HazMat	Inoperative/defective brakes	\$ 0.00
INVD-0174462	Civil Forfeiture Non HazMat	Inoperative/defective brakes	\$ 0.00
INVD-0174463	Civil Forfeiture Non HazMat	Inoperative/defective brakes	\$ 0.00
INVD-0174464	Civil Forfeiture Non HazMat	Inoperative/defective brakes	\$ 0.00
INVD-0174465	Civil Forfeiture Non HazMat	Inadequate brakes for safe stopping - Brake Lining condition	\$ 0.00
INVD-0174466	Civil Forfeiture Non HazMat	Group 1 Violations	\$ 250.00
Payments Received			\$ 0.00
Total Amount Due			\$ 250.00

Please visit <https://www.puco.ohio.gov/sc/mcos/> to make your online payments.

Questions concerning this invoice should be addressed to our call center at 1-800-686-7826.

(Remittance for mailed check payment)

Please make checks payable to:

Public Utilities Commission of Ohio
PO BOX 715343
Cincinnati, OH 45271-5343

NORTH STAR METALS MFG CO
P O BOX 309
GNADENHUTTEN, OH 44629-0309

Invoice #: 21-00069341
Date: 09/08/2021
Due Date: 10/08/2021





Manufacturer of Metal Roofing, Siding and Custom Metal Solutions

September 16, 2021

Public Utilities Commission of Ohio

ATTN: Docketing Division

180 E. Broad Street, 11th Floor

Columbus, Ohio 43215-3793

RE: Notice of Preliminary Determination, Case No. OH322005114C

Dear Sir or Madam:

We received notice of Preliminary Determination regarding Case No. OH322005114C. Enclosed with this letter, please find a copy of a diagram as a visual reference for our review request and the Notice Dated September 9, 2021. We would like to submit request for further review of the following violation(s).

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>Review Requested</u>
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.48	Group 1	Inoperative/defective brakes	Please Review – Nothing to resolve
393.47	Group 1	Inadequate brakes for safe stopping – Brake Lining Condition	Agree – Brake Lining issue resolved

On the trailer in question, for above listed violation Code 393.48 (4 instances), the Dexter Axle 10k-12k /Disc brakes were inspected and the shoulder screw was noted to our driver as the issue as the shoulder screw was not locked in and had movement. Shoulder bolts, or shoulder screws, have a long, unthreaded, cylindrical shoulder that allows for the rotation of attached parts like pulleys, gears, moving parts of engines and mechanical assemblies, and rolling wheels. (Please see the diagram as a visual.) We would appreciate further consideration on the 4 violations listed under Code 393.48 for this reason.

We thank you for your time and should there be further questions, can make a part of our staff available. Our Main number is 740-254-4567, with offices open from 8AM-5PM, Monday through Friday, with our Maintenance/Mechanic staff leaving at approximately 3pm each day.

We appreciate your further consideration and opportunity for review.

Thank you,

Heather E. Crews,

Human Resources

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF NORTH STAR
METALS MFG. CO., NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 21-1011-TR-CVF
(OH322005114C)

ENTRY

Entered in the Journal on May 6, 2022

[¶ 1] Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served a notice of preliminary determination upon Northstar Metals MFG. Co., (Respondent) alleging a violation of the Commission's transportation regulations.

[¶ 2] On September 28, 2021, Respondent filed a request for an administrative hearing as permitted by Ohio Adm.Code 4901:2-7-13.

[¶ 3] By Entry dated February 22, 2022, the attorney examiner scheduled a prehearing settlement conference in this matter for March 4, 2022. During the conference, the parties were unable to settle the matter.

[¶ 4] At this time, the attorney examiner finds it appropriate to schedule a hearing for June 22, 2022, at 10:00 a.m., to occur at the offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Hearing Room 11-C, Columbus, Ohio 43215.

[¶ 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 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] At the hearing, Staff must prove, by preponderance of the evidence, that Respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

(Page 2 of 3)

21-1011-TR-CVI

-2-

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting their contentions regarding the alleged violation in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing in this case be scheduled as indicated in Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

MJA/mef

(Page 3 of 3)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/6/2022 11:36:45 AM

in

Case No(s). 21-1011-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for June 22, 2022, at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio