

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of : Case No. 05-918 TR-CVF
Moraine Materials Co. :
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REQUEST FOR ADMINISTRATIVE HEARING

Comes now Respondent, Moraine Materials Co., by and through its undersigned counsel, and files this Request for Administrative Hearing pursuant to Rule 4901:2-7-13, O.A.C.

Moraine Materials Co. wishes to present additional evidence to the Commission beyond that already provided, in order that the assessments contained in the Notice of Preliminary Determination (attached hereto as Exhibit 1) Case No. OH3207001753C relating to the above-captioned case be modified. Furthermore, Moraine Materials Co. submits that the penalties are unduly harsh when considering the facts surrounding the apparent violations.

WHEREFORE, an Administrative Hearing is requested.

Respectfully submitted,

By: [Signature]
John L. Alden (0002697)
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One East Livingston Avenue
Columbus, OH 43215-5700
Telephone: (614) 221-1306
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Attorney for Respondent

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## The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to  
assure safe, adequate, and reliable utility services

Bob Taft, Governor  
Alan R. Schriber, Chairman

Commissioners  
Ronda Hartman Fergus  
Judy A. Jones  
Donald L. Mason  
Clarence D. Rogers, Jr.

July 11, 2005

MR JOHN ALDEN  
ATTORNEY MORaine MATERIALS CO  
ONE E LIVINGSTON AVE  
COLUMBUS, OH 43215-5700

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. OH3207001753C

Officer: WW

Dear MR ALDEN:

On November 26, 2004, a vehicle operated by MORaine MATERIALS CO, and driven by EDWARD R BESON, was inspected within the State of Ohio. As the result of discovery of the following apparent violations the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
393.205C	LEFT SIDE- #5 AXLE- 10 OF 10 Wheel fasteners loose
393.205B	LEFT SIDE- #5 AXLE- OUTSIDE WHEEL RIM- 10 OF 10 St

Total Forfeiture Assessed : \$150.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations 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 Staff.

(continued)

Exhibit 1



## The Public Utilities Commission of Ohio

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MR JOHN ALDEN  
ATTORNEY MORAINÉ MATERIALS CO  
OH3207001753C

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against MORAINÉ MATERIALS CO in the following forfeiture:

Code	Violation
393.205C	LEFT SIDE- #5 AXLE- 10 OF 10 Wheel fasteners loose
393.205B	LEFT SIDE- #5 AXLE- OUTSIDE WHEEL RIM- 10 OF 10 St

Total Forfeiture Agreed : \$150.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 13th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio