

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of)
National Carriers, Inc., for an) Case No. 05-109-TR-CVF
Administrative Hearing.)

FINDING AND ORDER

The Commission finds:

- (1) National Carriers, Inc., (Respondent) was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). In the notice of preliminary determination, the Commission Staff proposed a forfeiture of \$570.00 for alleged violations of the package securement provisions of the Hazardous Materials Regulations, 49 C.F.R. Sections 171-180, as adopted by this Commission.
- (2) On January 27, 2005, Respondent filed a request for an administrative hearing regarding the notice of preliminary determination issued by the Staff.
- (3) On May 19, 2005, the Staff and the Respondent filed a settlement agreement in this case. Among the terms of the settlement agreement, the Respondent agrees to make payment of a civil forfeiture of \$570.00. The settlement agreement resolves all factual and legal issues in this case.
- (4) Rules 4901-1-30 and 4901:2-7-11, O.A.C., authorize parties to these proceedings to enter into stipulations and settlement agreements. Although not binding upon the Commission, stipulations are entitled to careful scrutiny and consideration, particularly where all parties have joined together in the stipulation. See, *Cincinnati Gas and Electric Company*, Case No. 76-302-EL-AIR (Opinion and Order dated May 4, 1977). The settlement agreement entered into between the Staff and Respondent represents a fair and equitable settlement of this matter and should be approved and adopted by the Commission.

It is, therefore,


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ORDERED, That the terms and conditions of the settlement agreement entered into between the Staff and National Carriers, Inc., be approved and adopted by this Finding and Order. It is, further,

ORDERED, That this case be closed of record. It is, further,

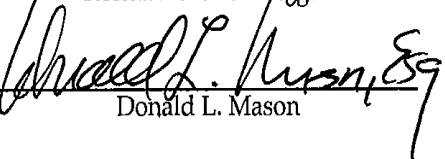
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones

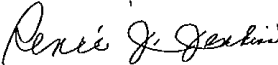

Donald L. Mason

Clarence D. Rogers, Jr.

GAP:ct

Entered in the Journal

AUG 03 2005



Renee J. Jenkins
Secretary