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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Request of Transcon : Case No. 05-1309-TR-CVF
Express, Inc. for an Administrative Hearing. : (CR05C278)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Transcon Express, Inc. (Transcon or Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in this case.

It is understood by Transcon and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement is based, however, upon the parties' desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, Transcon and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This agreement shall not become effective until adopted and approved by the Commission pursuant to Rule 4901:2-7-11(C), O.A.C. The date of the entry or order of the Commission adopting this Settlement Agreement shall be considered the effective date of this Settlement Agreement. The Respondent further waives its right to rehearing in accordance with Rule 4901-1-35, O.A.C. Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C.

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Technician [Signature] Date Processed 4/7/06

II. History

- A. On July 18, 2005, the Staff conducted a compliance review at Respondent's facility located in Springboro, Ohio. Following that compliance review, Transcon was timely served with a Notice of Preliminary Determination in accordance with Rule 4901:2-7-12, O.A.C. In that notice, the Staff expressed its intention to seek forfeitures against the Respondent of \$4,975.00 for multiple violations of 49 C.F.R. Section 395.8(e), false reports of records of duty status, and for a violation of 49 C.F.R. 396.11(a), failure to require driver to prepare driver vehicle inspection reports.
- B. Transcon requested an administrative hearing pursuant to O.A.C. 4901:2-7-13 on or about October 25, 2005.

III. Settlement Agreement

The Staff and Transcon agree and recommend that the Commission find as follows:

- A. For purposes of settlement, Transcon agrees to a finding that it violated O.A.C. 4901:2-5-02 incorporating Part 49 C.F.R. 396.11(a) and to a finding that includes multiple violations of 49 C.F.R. 395.8(e) and that such findings may be included in Transcon's Safety-Net Record and history of violations, for purposes of determining future penalty actions.
- B. The Respondent and the Staff further agree that the total civil forfeiture for the aforementioned violations shall be \$3,475.00. This amount reflects multiple violations of 49 C.F.R. 395.8(e) that the Staff has agreed not to pursue in light of evidentiary issues. Accordingly, the Staff will recommend that violations which the Staff has chosen not to pursue not be included in Respondent's Safety-Net

