

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF MAP
TRANSPORTATION, INC., NOTICE
OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 16-1466-TR-CVF
(OH1687003174C)**

Motion to Dismiss For Lack of Standing

Pursuant to Ohio Administrative Code 4901:2-7-13, Commission Staff hereby moves this Commission to dismiss this case brought at the request of Weddison Ebanks, who is not a respondent, does not represent the respondent, and who otherwise lacks standing to request an administrative hearing on the matter.

Respectfully Submitted,

/s/Robert Eubanks

Robert Eubanks

Assistant Attorneys General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, OH 43215-3793
614.466.4395 (telephone)
614.644.8764 (fax)
robert.eubanks@puc.state.oh.us

Memorandum in Support

Ohio Administrative Code (Ohio Adm. Code) 4901:2-7-13 provides that, following service of the Notice of Preliminary Determination (NPD), the respondent may file a request for administrative hearing.

In accordance with Ohio Adm. Code 4901:2-7-5, the Commission Staff (Staff) served a Notice of Apparent Violation (NAV) (attached as Exhibit A) upon the respondent, Map Transportation, Inc., alleging a violation of the Commission's transportation regulations. Following issuance of the NAV, it then appeared that Map Transportation, Inc., represented by Weddison Ebanks, asserted its rights under Ohio Adm. Code 4901:2-7-10 to request an settlement conference with Staff. There was no settlement reached between Staff and Weddison Ebanks regarding the violations charged against Map Transportation, Inc.

As a result, in accordance with Ohio Adm. Code 4901:2-7-12, Staff served a notice of preliminary determination (NPD) upon the respondent, Map Transportation, addressed to the attention of Weddison Ebanks at Map Transportations, Inc.'s address. Weddison Ebanks subsequently requested an administrative hearing and a prehearing conference occurred on September 22, 2016. At the prehearing conference, Weddison Ebanks admitted that he never represented Map Transportation, Inc. and that his responses to the NAV and NPD were his attempts to rectify the harm he believes he suffers as a result of the violation charged against Map Transportation, Inc.

Thus, it became apparent to Staff following the prehearing conference that Map Transportation, Inc. never responded to the NAV or the NPD – both of which only identify Map Transportation, Inc. – not Weddison Ebanks – as the respondent. As a result, Mr. Ebanks lacks standing under Ohio Adm. Code 4901:2-7-13 to challenge this matter, given that he is not a respondent.

Accordingly, this case must be dismissed.

Respectfully Submitted,

/s/Robert Eubanks

Robert Eubanks

Assistant Attorneys General

Public Utilities Section

30 East Broad Street, 16th Floor

Columbus, OH 43215-3793

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Dismiss for Lack of Standing** was served by regular U.S. mail, postage prepaid, or electronically, upon the following, this 7th day of October, 2016.

/s/Robert Eubanks

Robert Eubanks

Assistant Attorney General

Parties of Record:

Weddison Ebanks
1510 Carlton Street
Longwood, Florida 32750

and

Respondent:

Map Transportation, Inc.
1860 State Route 47
Russia, Ohio 45363



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

Thomas W. Johnson
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

03/28/2016

MAP TRANSPORTATION INC
1860 STATE ROUTE 47
RUSSIA, OH 45363

RE: **NOTICE OF APPARENT VIOLATION**
Case No. OH1687003174C

Dear Sir or Madam:

On 03/25/2016, a vehicle operated by MAP TRANSPORTATION INC, and driven by WEDDISON N EBANKS, was inspected in the State of Ohio. The following violations of the Commission's rules were discovered:

CODE	GROUP	VIOLATION
392.2C	0	Failure to obey traffic control device

No monetary fine will be assessed for the violations described in this notice and no response from you is necessary unless you are requesting a conference to dispute the occurrence of the violations. A written request for a conference must be submitted within 30 days of this notice. Failure to request a conference within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Apparent Violation.

Sincerely,
Mark Banks
Compliance Division
(614) 466-0351

**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF APPARENT VIOLATION**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Apparent Violation.

You have received a "Notice of Apparent Violation" as described in Rule 4901:2-7-05, Ohio Administrative Code (O.A.C.). No monetary fine will be assessed for the violations described in this notice and **no response from you is necessary unless you are requesting a conference to dispute the occurrence of the violations**. A written request for a conference must be submitted **within 30 days of this notice**.

1. How to Make a Request for Conference

If you believe that any of the violations described in this notice did not occur as alleged, that any of the occurrences described did not constitute a violation of the Commission's rules, or that you were not responsible for the violations, **you should submit a "Request for Conference"** as described in rule 4901:2-7-10, O.A.C. Your "Request for Conference" must be **in writing** and must contain the **case number** which can be found at the top of this notice. Also, please include the **contact name, address, and telephone number** of the person to whom further communications regarding this matter should be directed. Your request should indicate your preference whether this matter be discussed by **telephone or in person** and may include any additional information you wish to submit at this time to support your position.

Your "Request for "Conference" must be submitted **within 30 days of this notice** via one of the following methods:

Online at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

E-mail: conferencerequest@puc.state.oh.us

Fax: (614) 466-2753

Mail: Public Utilities Commission of Ohio
Transportation - Compliance Division
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

2. Failure to Submit a Request for Conference

If you do not serve a timely "Request for Conference" 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.

3. Codes

"Code" in this notice identifies the rule that was 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 (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

4. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

cmvreports@puc.state.oh.us. Please provide the **inspection number and inspection date** in your request.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/7/2016 2:03:36 PM

in

Case No(s). 16-1466-TR-CVF

Summary: Motion to Dismiss electronically filed by Ms. Tonnetta Scott on behalf of PUC