

FILE

In the Administrative Tribunal
Public Utilities Commission of Ohio

PUCO

2020 FEB 26 PM 2:22

RECEIVED LEGAL DEPT.

19-2237-TR-CVF

Steven Upchurch

Feb. 21st 2020

Respondent

v.

Ohio P.U.C.O.

Case No. OH3230014289D

Relator

with

Werner L. Margard III
Assistant Ohio Atty. Gen.

In RE. for Relators Motion Contra

council for relator

PUCO

2020 FEB 26 PM 3:34

Where to begin .

Relator insists , this is a civil matter & a civil proceeding ... ok . Yet on 12/27/19 the P.U.C.O recieved my request for Administrative Hearing ,(which is the ONLY available provision other than handing you hundred dollar bills , for no causation) which included a jurisdictional challenge (3rd paragraph "I'll have your jurisdiction on record." . Yet , council for the relator while insisting a civil matter ... Has not produced for us a contract / agreement by which I am bound (by signature?) in order to achieve Jurisdiction for the administration to arbitrate / or weigh a civil matter , such a contract has to exist also such a contract must be broken , there must be evedence of such a breach . Wait don't tell me ... UCC doesn't apply here either ???

Further , relator insists that there is NO OBLIGATION TO FORWARD EVEDENCES . Claiming that the commissions rules do not allow for discovery & my discovery demand should be denied , relator somehow believes my demand is

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 Date Processed 2/26/20

unfounded .

I am expected to come off my hard earned money , because the C.F.R. is somehow immune to constitutional / statutory rights ?

So far , the 4th ammendment does not apply . With & for the 4th ammendment is O.R.C. 4513.263 Part (D) , O.R.C 4513.263 includes within it's provisions definitions with & for the section ... C.M.V. is not a definition which is left out . P.U.C.O officers are officers of the State of Ohio , they are not excluded from the above O.R.C provisions . The U.S. Supreme Court agrees in Delaware v. Prottsse.

Justice White wrote for the Majority.:
Stopping an automobile and detaining it's occupants
constitutes a "seizure" within the meanings of the 4th & 14th ammendments
440 US. 648 No. 77-1571

The stop was for capricious reason & not for lawful causation . The initial reason for the stop is stated on the citation as just that the initial reason . The above outlines the stop itself as unlawfull .

On to evedences , P.U.C.O. aledges a violation of 49 C.F.R. 392.16 . Then denies my right to evedence demand ... 49 CFR subsection 5.59 disagrees entirely . & subsection 5.97 . flat out forbids penalty without finding of fact ... subsection 5.83 outlines duty to disclose evedence as a DUTY This greatly implies that the finger pointing and "Because I said so" attitude which I've been subjected to so far is just unacceptable for the purpouses of attaining a forfeiture. So ... EVEDENCE OR AQUITTAL !!!

Proceedings have been delayed for 6 months , a 6th ammendment violation . Which is the responsability of the court , in this case the P.U.C.O Tribunal . Yours has to

be a subsection (19) of section (4) of Ohio's Constitution ... Court of consiliation .
I am entirely sure that you must observe & practice The Constitutions safeguards
which the relator has expressed zero respect for . Seem's that the same is true
of the relator concerning administrative ORDERS .

I recieved 3 phone calls on the 11th none for which were the P.U.C.O. or from the
office of the Ohio Attorney General .

Relator is 24 days late in failing to comply with ordered time limits for relators
"Motion contra " deadline was set Jan 22nd within Jan.7ths journal entry . Relators
Proof of Service is dated . Feb.14th 2020 .

For failure to prove the tribunals Jurisdiction , failure to comply with administrative
orders , failure to produce evedences , & because the whole process from the very start
is a violation of my constitutional / statutory rights , also because the allegations are a
lie , I want them dismissed , acquittal will do just fine .

Steven P. Upchurch
-respondent-
843 W. 13th St.
Lorain, Ohio 44052

Certificate: Proof of Service
for
P.U.C.O Case No. OH3230014289D
&
in regard to :
In RE : for relators Motion Contra

I hereby certify . the foregoing is served to the below listed parties Feb.21st 2020
by U.S.P.S. mail or in person .

Werner L. Margard III
Assistant Attorney General
Public Utilities Section
30 east Broad St.
Columbus Ohio 43215

*Served By : U.S.P.S. Mail
&*

Anna Sanyal
Public Utilities Commission of Ohio
Attorney Examiner
Docketing division 11th floor
180 e. Broad St.
Columbus , Ohio 43215

*Served By : U.S.P.S. Mail
&*

George Turner
Turner Diesel
11921 Avon Belden Rd.
Grafton Ohio 44044

Served : in person

*Steven P. Upchurch
843 w. 13th St.
Lorain, Ohio 44052*