

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Monte Construction for)	
Reconsideration of a Decision by)	Case No. 22-259-AU-UTC
The Underground Technical)	
Committee.)	

JOINT MOTION TO DISMISS

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Section Chief

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**On Behalf of the Staff of
The Public Utilities Commission of Ohio**

August 28, 2023

**BEFORE
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In the Matter of the Application of)	
Monte Construction for)	
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JOINT MOTION TO DISMISS

The Staff of the Public Utilities Commission of Ohio (Staff) and Monte Construction (Respondent) (collectively, the “Parties”) hereby file this Joint Motion to Dismiss Respondent’s application for reconsideration. Accordingly, the Parties respectfully request that the Public Utilities Commission of Ohio grant their joint motion to dismiss with prejudice.

Respectfully submitted,

Dave A. Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Janet R. Gregory

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MEMORANDUM IN SUPPORT

On November 15, 2021, Dominion Energy Ohio (Complainant) filed a complaint with the UTC alleging that Respondent had violated R.C. 3781.29(A)(1) on October 12, 2021. UTC Case No. 21-00082. On February 3, 2022, the UTC determined that Respondent violated R.C. 3781.28(A), which requires excavators to notify a utility protection service at least forty-eight hours but not more than ten working days before commencing excavation. As a result, the Respondent was ordered to complete mandatory training and submit documentation of training and attendance. On March 24, 2022, Respondent filed a written application for reconsideration of the decision reached by the UTC on February 3, 2022. A prehearing/settlement teleconference was held on July 10, 2023, between the Respondent and Staff with the Attorney Examiner assigned to the case presiding over the prehearing part of the teleconference.

During the July 10, 2023, settlement teleconference, the Respondent informed the Staff that it no longer wished to continue with its application for reconsideration of the UTC decision. The Staff has no objection to the Respondent's request.

As the Staff and Respondent are both in agreement, the joint movants respectfully request that the Commission grant their joint motion to dismiss Respondent's application for reconsideration.

Respectfully submitted,

Dave A. Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Janet R. Gregory

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On Behalf of the Staff of
The Public Utilities Commission of Ohio

/s/ DSRC

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On Behalf of Monte Construction, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Joint Motion to Dismiss** submitted on behalf of the Staff of the Public Utilities Commission of Ohio has been served upon the below-named counsel via United States mail and/or electronic mail, this 28th day of August, 2023.

/s/ Janet R. Gregory

Janet R. Gregory

Amy Botschner O'Brien

Assistant Attorneys General

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Summary: Motion Joint Motion to Dismiss electronically filed by Mrs. Kimberly M.
Naeder on behalf of PUCO.