

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Vickery Transportation,)	Case No. 15-1274-TR-CVF
Inc., Notice of Apparent Violation and)	(OH3207302165C)
Intent to Assess Forfeiture.)	

**MOTION TO DISMISS AND MEMORANDUM IN SUPPORT
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Pursuant to Ohio Adm.Code 4901-1-12(A), the Staff of the Public Utilities Commission of Ohio (“Staff”) moves the Commission to dismiss this case. A memorandum in support of this motion is attached.

Respectfully submitted,

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/ Natalia V. Messenger

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MEMORANDUM IN SUPPORT

Under 49 C.F.R. 178.345-10, a cargo tank pressure relief device must be permanently marked with information including the device's model number. On April 30, 2015, a vehicle operated by Vickery Transportation was cited for an alleged violation of that regulation because its pressure relief device was believed to be not marked with a model number. Girard Equipment, the manufacturer of the device, and Daniel G. Shelton, a consultant, submitted requests to the Pipeline and Hazardous Materials Safety Administration (PHMSA) requesting guidance as to the marking required on the pressure relief device under 49 C.F.R. 178.345-10.

On September 23, 2015, the Commission granted a joint motion by the parties to stay the procedural schedule in this matter pending PHMSA's response to the requests for interpretation of 49 C.F.R. 178.345-10. On December 8, 2015, PHMSA issued its interpretation of the regulation, concluding that the marking on the pressure relief device used by Vickery Transportation complied with the requirements in 49 C.F.R. 178.345-10. Based on that interpretation, Staff has decided to delete the violation against Vickery Transportation.

Based on the foregoing, Staff moves the Commission to dismiss this case.

Respectfully submitted,

Michael DeWine
Ohio Attorney General

William L. Wright
Section Chief

/s/Natalia V. Messenger _____

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Dismiss and Memorandum in Support** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, or hand-delivered, upon the following Parties of Record, this 17th day of December, 2015.

/s/ Natalia V. Messenger

Natalia V. Messenger

Assistant Attorney General

Parties of Record:

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Case No(s). 15-1274-TR-CVF

Summary: Motion to Dismiss submitted on behalf of the Public Utilities Commission of Ohio.
electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO