

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Rodney E. Demmitt	:	Case No. 17-2174-TR-CVF
Jr. and Total Towing, L.L.C., Notice	:	(OH3235004821C)
of Apparent Violation and Intent to	:	
Assess Forfeiture.	:	
	:	

**STAFF’S REQUEST FOR ADMINISTRATIVE HEARING AND
MOTION FOR WAIVER**
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

Staff of the Public Utilities Commission of Ohio (Staff) requests scheduling an administrative hearing in response to a verbal request from Total Towing, LLC. (“Respondent”) for an administrative hearing on February 26, 2018. On October 23, 2017, Respondent submitted a written request for an administrative hearing in Case No. OH3235004821C. However, this request for an administrative hearing was premature because Respondent had not yet fulfilled the requirements under Ohio Adm.Code 4901:2-7-13, including, but not limited to receipt of a Notice of Preliminary Determination under Ohio Adm.Code 4901:2-7-12.

As such, this prior request for an administrative hearing was referred to Staff to schedule and conduct a settlement conference with Respondent under Ohio Adm.Code 4901:2-7-10. During the settlement conference on December 18, 2017, Staff and Respondent were unable to arrive at a settlement agreement, so a Notice of Preliminary

Determination was issued on January 9, 2018. On February 26, 2018, Respondent contacted staff by phone, restating his original request for an administrative hearing before the Commission.

Under Ohio Adm.Code 4901:2-7-10, respondents may file a request for an administrative hearing “(w)ithin thirty days following service by the staff of a notice of preliminary determination in accordance with rule 4901:2-7-12 of the Administrative Code..” and “(t)he request for administrative hearing shall be in writing and shall contain the name, address, and telephone number of the respondent and the case number assigned to the matter by the staff. The request for administrative hearing shall be signed by the respondent or its authorized representative . A copy of the notice of preliminary determination served by the staff upon the respondent shall be attached to the request for administrative hearing.

In accordance with Ohio Adm.Code 4901:2-7-02(B), staff requests waiver of the requirements to request an administrative hearing described in Ohio Adm.Code 4901:2-7-10 in light of the information described above. Respondent participated in a settlement conference with staff, received a Notice of Preliminary Determination and requested an administrative hearing with the PUCO’s Docketing Division in writing. As such, Respondent has now fulfilled the requirements to request an administrative hearing described in Ohio Adm.Code 4901:2-7-10, the only procedural defect being the order in which Respondent fulfilled those requirements.

For the foregoing reasons, Staff requests that Respondent’s verbal request for an administrative hearing and Staff’s motion for waiver be granted to allow for such

a hearing because both are supported by just cause.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Request for Administrative Hearing and Motion for Waiver**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via regular U.S. mail upon Total Towing, LLC (attn.: Rodney E. Demmit Jr.), P.O. Box 223, Medway, Ohio, 45341, this 7th day of May, 2018.

/s/ Robert Eubanks

Robert A. Eubanks

Assistant Attorney General

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in

Case No(s). 17-2174-TR-CVF

Summary: Motion Staff's Request for Administrative Hearing and Motion for Waiver
electronically filed by Ms. Tonnetta Scott on behalf of PUC