

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF RODNEY DEMMITT
JR., NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE.**

**CASE NO. 17-2174-TR-CVF
(OH3235004821C)**

ENTRY

Entered in the Journal on May 22, 2018

{¶ 1} On October 23, 2017, Mr. Rodney Demmitt (Respondent) filed a request for an administrative hearing. However, Ohio Adm.Code 4901:2-7-13 states that a request for administrative hearing cannot be made until after receipt of a Notice of Preliminary Determination (NPD) under Ohio Adm.Code 4901:2-7-12.

{¶ 2} Thereafter, on January 9, 2018, Mr. Demmitt was served with an NPD alleging a violation of the Commission's transportation regulations.

{¶ 3} On May 7, 2018, Staff filed a request for administrative hearing and motion for waiver of the requirements to request an administrative hearing. Staff explains that Mr. Demmitt prematurely requested an administrative hearing and his request was referred to Staff to schedule and conduct a settlement conference under Ohio Adm.Code 4901:2-7-10. According to Staff, on February 26, 2018, Mr. Demmitt contacted Staff by telephone, restating his original request for an administrative hearing before the Commission. Staff asserts that Mr. Demmitt has essentially fulfilled the requirements of Ohio Adm.Code 4901:2-7-13, although not in the proper order. Accordingly, Staff requests a waiver of the requirements of Ohio Adm.Code 4901:2-7-13 and that his case be set for hearing.

{¶ 4} The attorney examiner finds good cause exists to grant Staff's motion for waiver and request for an administrative hearing. Accordingly, the parties in this case are directed to participate in a prehearing conference on June 29, 2018, at 10:00 a.m., Eastern Daylight time. At that time, the attorney examiner will attempt to contact Mr. Demmitt by telephone.

{¶ 5} It is, therefore,

{¶ 6} ORDERED, That Staff's motion for waiver be granted. It is, further,

{¶ 7} ORDERED, That a prehearing conference in this case be scheduled in accordance with Paragraph 4. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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

Summary: Attorney Examiner Entry scheduling prehearing conference for 06/29/2018 in accordance with Paragraph 4 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio