

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Caleb Salyers, Notice of : Case No. 19-2152-TR-CVF  
Apparent Violation and Intent to Assess : (OH3251020169D)  
Forfeiture. :

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**MOTION TO DISMISS  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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Pursuant to Rule 4901-1-12 of the Ohio Administrative Code (O.A.C.), the Staff of the Public Utilities Commission of Ohio (Staff) moves to dismiss this case for good cause shown in the memorandum in support below.

Respectfully Submitted,

**Dave Yost**  
Attorney General

**John H. Jones**, Section Chief  
Public Utilities Section

*/s/ Steven T. Darnell*

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**Steven T. Darnell**  
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## MEMORANDUM IN SUPPORT

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Pursuant to O.A.C. Rule 4901:2-7-12, the Staff of the Public Utilities Commission of Ohio (Staff) served Caleb Salyers (Respondent) with a Notice of Preliminary Determination regarding the Respondent's alleged violation of 49 C.F.R. § 383.23(a)(2). Staff hereby moves to dismiss this case based on Respondent's payment in-full of the forfeiture assessed against him. Under O.A.C. § 4901:2-7-22, Respondent's full payment constitutes an admission of the underlying violation and terminates all further proceedings.

Should Respondent contest this motion to dismiss, he may appeal to the Commission for a waiver of the applicable provisions of the Ohio Administrative Code. Respondent must request a waiver of O.A.C. § 4901:2-7-02, the general rules for forfeitures; O.A.C. § 4901:2-7-12 and O.A.C. § 4901:2-7-13, regarding the appropriate service and procedure for requesting a hearing before the Commission; and O.A.C. § 4901:2-7-22, noting payment constitutes an admission of the underlying offense. If Respondent fails to request a waiver of these remarks, he should not be allowed to continue with his case as he will not have met the requirements to do so. Respondent must also explain his situation so that the Commission may fairly evaluate his request. Such a motion would be due within the statutorily required timeframe provided by the Attorney Examiner in his February 10, 2020 Entry.

Respectfully Submitted,

**Dave Yost**  
Attorney General

**John H. Jones**, Section Chief  
Public Utilities Section

*/s/ Steven T. Darnell*

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## **CERTIFICATE OF SERVICE**

I certify that a true copy of the **Motion to Dismiss** filed on Behalf of the Staff of the Public Utilities Commission of Ohio was served by regular U.S. mail, postage prepaid, hand-delivered, and/or electronic service upon the following parties of record this 27<sup>th</sup> day of February, 2020.

*/s/ Steven T. Darnell*

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**Steven T. Darnell**

Assistant Attorney General

Attorney Examiner:

Michael L. Williams

Parties of Record:

Caleb Salyers  
277 W. Cooper St., Apt. 10  
Slippery Rock, PA 16057

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/27/2020 9:17:45 AM**

**in**

**Case No(s). 19-2152-TR-CVF**

Summary: Motion to Dismiss Submitted on Behalf of the Staff of the Public Utilities  
Commission of Ohio electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO