

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF LEONARD DALE  
HITE, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 21-60-TR-CVF  
(OH3247016874D)

### ENTRY

Entered in the Journal on February 23, 2021

{¶ 1} Staff served a notice of preliminary determination upon Leonard Dale Hite (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On January 19, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On February 10, 2021, the attorney examiner scheduled a prehearing conference for March 8, 2021.

{¶ 4} On February 19, 2021, Staff filed a motion to dismiss the case and to stay proceedings. Staff argues that the case should be dismissed because it is an improper attempt to re-open a matter that is already subject to a final order of the Commission. Staff requests that the prehearing conference be suspended and the case stayed pending a decision on its motion to dismiss.

{¶ 5} At this time, the attorney examiner finds good cause to suspend the prehearing conference previously scheduled for March 8, 2021.

{¶ 6} Upon review of Staff's motion to dismiss, the attorney examiner advises Respondent that he has until March 15, 2021, to file a response to Staff's motion to dismiss. Any response should be filed in the docket under this case number and should indicate whether Staff's motion to dismiss should be denied or granted. Thereafter, the Commission, or the attorney examiner, will take the motion to dismiss under review and determine whether this matter should be scheduled for a formal hearing. If a formal hearing is

warranted, the attorney examiner will schedule a prehearing conference prior to scheduling that hearing.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a prehearing conference in this case previously scheduled for March 8, 2021, be suspended in accordance with Paragraph 5. It is, further,

{¶ 9} ORDERED, That Respondent has until March 15, 2021, to file a response to Staff's motion to dismiss. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John  
Attorney Examiner

GAP/kck

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

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**Case No(s). 21-0060-TR-CVF**

Summary: Attorney Examiner Entry ordering that the prehearing conference in this case previously scheduled for March 8, 2021, be suspended in accordance with Paragraph 5 and ordering that Respondent has until March 15, 2021, to file a response to Staff's motion to dismiss.

electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio