

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TIMOTHY N. LOWE,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-38-TR-CVF  
(OH1642002617D)

## ENTRY

Entered in the Journal on October 20, 2021

### I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss, resolving this matter in favor of Respondent.

### II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations, published in the Code of Federal Regulations, for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} Staff served a Notice of Preliminary Determination upon Timothy N. Lowe (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 4} On January 8, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} Pursuant to an Entry dated March 13, 2020, this matter was scheduled for a telephone prehearing conference on May 15, 2020. The matter was not resolved at the prehearing conference.

{¶ 6} Pursuant to an Entry dated July 15, 2021, the attorney examiner set this case for hearing on October 7, 2021.

{¶ 7} On September 17, 2021, Staff filed a motion to dismiss the case, indicating that the Ohio State Highway Patrol's inspector, and sole witness, is no longer available to testify regarding the violation. As such, Staff states the violation against Mr. Lowe has been removed from the inspection. Staff requests that this matter be dismissed given the lack of any violation charged against Respondent, or witnesses to substantiate the prior charges.

{¶ 8} For the reason outlined in the motion to dismiss, the Commission finds that this case should be dismissed, and the related docket closed.

### III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That this case be closed. It is, further,

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

#### COMMISSIONERS:

##### *Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

MLW/IMM/hac

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**Case No(s). 20-0038-TR-CVF**

Summary: Entry granting Staff's motion to dismiss, resolving this matter in favor of Respondent. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio