

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of XTE, Inc., Notice of :
Apparent Violation and Intent to : Case No. 21-71-TR-CVF
Assess Forfeiture. : (OH0228000648C)
:

MOTION TO DISMISS

The Staff of the Public Utilities Commission of Ohio hereby moves to dismiss this case for good cause being shown in the memorandum in support below.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Thomas M. Shepherd

Thomas M. Shepherd
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 26th Floor
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**Counsel for the Staff of
The Public Utilities Commission of Ohio**

MEMORANDUM IN SUPPORT

Pursuant to Ohio Adm. Code 4901:2-7-12, Staff served XTE, Inc. (Respondent) with a Notice of Preliminary Determination on December 23, 2020, regarding the Respondent's alleged violations of the Commission's transportation rules. Upon review and consideration of this matter, Staff of the Public Utilities Commission of Ohio (Staff) recommends this case be dismissed. Accordingly, Staff requests that the Commission dismiss the case and close the record.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Thomas M. Shepherd

Thomas M. Shepherd
Assistant Attorney General
Public Utilities Section
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**Counsel for the Staff of
The Public Utilities Commission of Ohio**

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Dismiss, submitted on behalf of the Public Utilities Commission of Ohio, was served via regular US mail upon the following parties of record this 22nd day of April, 2022.

/s/ Thomas M. Shepherd

Thomas M. Shepherd

Parties of Record:

XTE, Inc.

Katherine L. Jerry
16725 Doyle Road
Hemlock, MI 48626

Kjerry1042@XTEinc.com

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

Case No(s). 21-0071-TR-CVF

Summary: Motion to Dismiss electronically filed by Mrs. Tonnetta Y. Scott on behalf
of PUCO