

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARKEITH SPRIGGS,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NOS. 22-136-TR-CVF
22-931-TR-CVF
(OH1865001582D)

ENTRY ON REHEARING

Entered in the Journal on November 30, 2023

I. SUMMARY

{¶ 1} The Commission denies the application for rehearing filed by Markeith Spriggs.

II. DISCUSSION

{¶ 2} On September 20, 2023, the Commission issued an Opinion and Order finding that Staff had demonstrated, by a preponderance of the evidence, that Markeith Spriggs (Respondent) violated 49 C.F.R. 392.2 by operating an out-of-service commercial motor vehicle.

{¶ 3} On November 3, 2023, Staff received a letter from Respondent dated October 16, 2023 “request[ing] an administrative hearing to contest the * * * [September 20, 2023] compliance order.” Because of unforeseen delays, the letter was filed in the case dockets on November 13, 2023.

{¶ 4} Although not titled as such, the Commission finds it reasonable to consider the aforementioned letter as an application for rehearing.

{¶ 5} Respondent filed a supplement to the application for rehearing on November 30, 2023.

{¶ 6} R.C. 4903.10 states that any party to a Commission proceeding may, within 30 days after the Commission’s Order is journalized, apply for rehearing with respect to any

matters determined by the Commission. In addition, Ohio Adm.Code 4901-1-35 states that an “application for rehearing must set forth * * * the specific ground or grounds upon which the applicant considers the commission order to be unreasonable or unlawful.”

{¶ 7} The Commission observes that the 30-day period during which Mr. Spriggs could file for rehearing ended October 20, 2023. Although the date entered by Respondent on his letter is October 16, 2023, the letter was not received by Staff until November 3, 2023; similarly, the supplement to his request for rehearing was not filed until November 30, 2023. Neither R.C. 4903.10 nor Ohio Adm. Code 4901-1-35 provide for the 30-day period to file for rehearing to be waived. In addition, Respondent’s letter dated October 16, 2023, and his supplement letter filed November 30, 2023 does not raise any issues that the Commission did not previously consider in its September 20, 2023 Order. Given these factors, the Commission finds that Mr. Spriggs’ application for rehearing shall be denied.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the application for rehearing filed by Markeith Spriggs be denied. It is, further,

{¶ 10} ORDERED, That a copy of this Entry on Rehearing be served upon each party of record.

COMMISSIONERS:

Approving:

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

Recusal

John D. Williams

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in

Case No(s). 22-0136-TR-CVF, 22-0931-TR-CVF

Summary: Entry on Rehearing denying the application for rehearing filed by
Markeith Spriggs electronically filed by Debbie S. Ryan on behalf of Public Utilities
Commission of Ohio.