

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of US Environmental)	
Inc., Notice of Apparent Violation)	Case No. 22-0312-TR-CVF
and Intent to Assess Forfeiture.)	(OH3208302820C)
)	

MOTION TO DISMISS

The Staff of the Public Utilities Commission of Ohio (Staff) hereby moves to dismiss this case based on Respondent's payment in full of the forfeiture assessed. Under Ohio Adm.Code § 4901:2-7-22(B), full payment of the forfeiture constitutes an admission of the occurrence of the violation and terminates all further proceedings regarding the violation.

Grounds for this motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

Dave A. Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien

Lauren Williams

Assistant Attorneys General

Public Utilities Section

30 East Broad Street, 26th Floor

Columbus, Ohio 43215-3414

(614) 466-4493 (telephone)

Amy.BotschnerOBrien@OhioAGO.gov

Lauren.Williams@OhioAGO.gov

**On Behalf of the Staff of The Public
Utilities Commission of Ohio**

MEMORANDUM IN SUPPORT

The Staff of the Public Utilities Commission of Ohio hereby moves to dismiss this case based on US Environmental Inc.'s (Respondent) payment in full of the forfeiture assessed. First, under Ohio Adm. Code § 4901:2-7-22, full payment terminates all further proceedings regarding the violations. Second, the Respondent does not dispute the violations assessed and has not provided any grounds to overturn the violations.

On March 30, 2022, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.¹ On August 2, 2022, the Administrative Law Judge (ALJ) issued an Entry directing the parties to participate in a prehearing on August 18, 2022. During the prehearing conference, Staff and Respondent were unable to reach a settlement. Accordingly, the ALJ scheduled a hearing for June 21, 2023 at the Commission. Prior to the hearing, Respondent paid in full the \$660.00 forfeiture assessed for a violation of 49 C.F.R. 177.817(e), shipping paper accessibility.

Ohio Adm.Code § 4901:2-7-22(B) states: "If the only remedy requested with respect to a violation is the payment of a forfeiture, and full payment of the forfeiture demanded in the notice is made prior to the execution of a settlement agreement or a final commission order, full payment constitutes an admission of the occurrence of the violation..." Respondent paid the forfeiture, and this case should be dismissed pursuant to Ohio Adm.Code § 4901:2-7-22(B).

¹ Letter docketed on April 4, 2022.

In addition, Respondent did not provide any grounds in which to overturn the violations assessed, nor did he dispute the violations. Given this, the Staff of the Public Utilities Commission of Ohio respectfully requests that the Commission dismiss this case.

Respectfully submitted,

David Yost
Attorney General

John H. Jones
Section Chief

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien

Lauren Williams

Assistant Attorneys General

Public Utilities Section

30 E. Broad St., 26th Floor

Columbus, OH 43215

(614) 466-4493 (telephone)

(866) 431-1581 (fax)

Amy.BotschnerOBrien@OhioAGO.gov

Lauren.Williams@OhioAGO.gov

**On Behalf of the Staff of the
Public Utilities Commission of Ohio**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Motion to Dismiss** submitted on behalf of the Staff of the Public Utilities Commission of Ohio has been served upon the below-named party via electronic mail, this 4th day of January, 2024.

/s/ Amy Botschner O'Brien

Amy Botschner O'Brien

Lauren Williams

Assistant Attorneys General

Party of Record:

Charles William Steiner

US Environmental Inc.

409 Boot Road

Downingtown, PA 19335

CSteiner@usenv.com

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Summary: Motion to Dismiss electronically filed by Mrs. Kimberly M. Naeder on
behalf of PUCO.