

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Complaint of
K. A. Florist, dba Segelin's Florist

Complainant,

v.

Cavalier Business Communications,

Respondent.

Case No. 08-272-TP-CSS

**CAVALIER BUSINESS COMMUNICATIONS'
MOTION TO DISMISS**

On March 17, 2008, K. A. Florist, dba Segelin's Florist ("Complainant") filed a complaint against Cavalier Business Communications. ("Cavalier") alleging that Cavalier failed to refund Complainant \$227.29. Pursuant to Ohio Administrative Code Rule 4901-9-01(C), Cavalier filed its Answer to the Complaint on August 12, 2008 stating that a refund was sent to Complainant prior to the filing of the complaint (see Attachment A -- Affidavit of Mark Clark). A settlement conference was convened on September 25, 2008 at which time Complainant stated that there was no need for a formal complaint.

Therefore, Cavalier avers that the allegations against Cavalier have been satisfied and settled. Cavalier requests, pursuant to Ohio Administrative Code Rule 4901-9-01(F), that the Complainant be given twenty (20) days to file a written response agreeing or disagreeing with Cavalier's assertion and that, if no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the Complaint.

WHEREFORE, Cavalier respectfully requests the Commission dismiss the Complaint
with prejudice.


Respectfully submitted on behalf of,
CAVALIER BUSINESS COMMUNICATIONS



Thomas J. O'Brien
BRICKER & ECKLER LLP
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Columbus, Ohio 43215
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Facsimile: (614) 227-2390
e-mail: tobrien@bricker.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Dismiss was served upon the K. A. Florist,
dba Segelin's Florist via first class mail this 6th day of October 2008.



Thomas J. O'Brien

K. A. Florist dba Segelin's Florist
10495 Carnegie Avenue
Cleveland, OH 44106

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

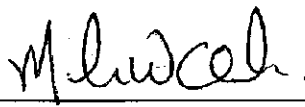
In the Matter of the Complaint of)	
K. A. Florist, dba Segelin's Florist)	
)	
Complainant,)	
)	
v.)	Case No. 08-272-TP-CSS
)	
Cavalier Business Communications,)	
)	
Respondent.)	

AFFIDAVIT OF MARK CLARK

State of Virginia)
) ss.
 County of Henrico)

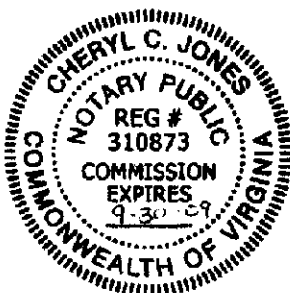
I, Mark Clark, am the Controller of Cavalier Business Communications. I do hereby attest that the attached is a true and accurate copy of the canceled refund check in the amount of two hundred twenty-seven dollars and twenty-nine cents (\$227.29) issued January 22, 2008 to K.A. Florist, DBA Segelin's Fl at 10495 Carnegie Ave., Cleveland, Ohio 44106.


FURTHER AFFIANT SAYETH NAUGHT.



 Mark Clark

SWORN TO before me and subscribed in my presence this 3rd day of October 2008.




 #310873

 Notary Public

My commission expires: September 30, 2009


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 Cavalier Telephone, LLC 2134 W. Laburnum Ave. Richmond, VA 23227	Bank of America, N.A. Richmond, VA	68-1/510 Check # 012691 <div style="border: 1px solid black; padding: 2px; display: inline-block;"> Check Date 1/22/2008 </div> <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 20px;"> Check Amount *****\$227.29 </div>
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Two Hundred Twenty-Seven and 29/100----- US Dollar

PAY TO THE ORDER OF K.A. Florist, DBA Segelin's Fl
 10495 Carnegie Ave
 Cleveland, OH 441062133


 Authorized Signature

The security features listed below are visible through the clear window.

1. Microprint: The words "Bank of America" are printed in a fine, repeating pattern around the perimeter of the clear window.

2. Hologram: A circular, three-dimensional image that changes as you view it from different angles.

3. Color Shift: The color of the ink in the clear window changes from blue to green as you tilt the check.

4. Security Thread: A thin, woven thread that runs through the paper and is visible through the clear window.

5. Watermark: A faint, large image of the Bank of America logo that is visible through the paper.

6. UV Features: Under ultraviolet light, the clear window and surrounding areas will glow.

7. Security Markings: Small, raised bumps that are visible to the touch.


8. Security Features: A series of small, raised bumps that form the words "Bank of America" when touched.

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 10710000224 ST PAUL, MN
 5320647326

0119 9.784

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 RESERVED FOR FINANCIAL INSTITUTION USE

Check Info

Account:	
Amount:	227.29
Check #:	12691
Posted Date:	02/04/2008

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