

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Miller Brothers )  
Construction, Inc., Notice of Apparent )  
Violation and Intent to Assess )  
Forfeiture. )

Case No. 09-806-TR-CVF

(OH0838003118)

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**MOTION TO DISMISS  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

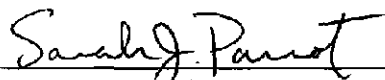
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Pursuant to Ohio Administrative Code Rule 4901-1-12, the Staff of the Public Utilities Commission of Ohio ("Staff") moves to dismiss this case for the reason set forth in the accompanying memorandum in support, which is incorporated herein by reference.

Respectfully submitted,

**Richard Cordray**  
Ohio Attorney General

**Duane W. Luckey**  
Section Chief

  
**William L. Wright**  
**Sarah J. Parrot**  
Assistant Attorneys General  
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## MEMORANDUM IN SUPPORT

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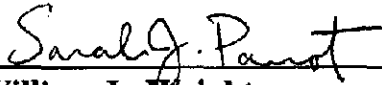
Miller Brothers Construction, Inc. ("Respondent") has paid the full amount of the civil forfeiture assessed in this case. The Fiscal Division received Respondent's payment on October 21, 2008. Ohio Administrative Code Rule 4901:2-7-22 provides, in pertinent part, that payment of the forfeiture terminates all further proceedings regarding a violation. In view of Respondent's payment of the forfeiture, this case should be dismissed.

WHEREFORE, the Staff requests that this motion to dismiss be granted and the case closed.

Respectfully submitted,

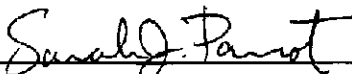
**Richard Cordray**  
Ohio Attorney General

**Duane W. Luckey**  
Section Chief

  
**William L. Wright**  
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## **PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing **Motion to Dismiss**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served upon the following party of record, by regular U.S. mail, postage prepaid, or hand-delivered, this 20th day of November, 2009.

  
\_\_\_\_\_  
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Assistant Attorney General

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