

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of MIA Express, Inc., Notice : Case No. 15-1794-TR-CVF  
of Apparent Violation and Intent to Assess : (OH3262004721C)  
Forfeiture. :

---

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

---

Pursuant to Rule 4901-1-12 of the Ohio Administrative Code O.A.C., the Staff of the Public Utilities Commission of Ohio (Staff) moves to dismiss this case for good cause shown in the memorandum in support below.

Respectfully Submitted,

**Michael DeWine**  
Attorney General

**William L. Wright**, Section Chief  
Public Utilities Section

*/s/ Steven L. Beeler*

---

**Steven L. Beeler**  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Fl.  
Columbus, Ohio 43215  
614.644.8588 (telephone)  
614.644.8764 (fax)  
[steven.beeler@puc.state.oh.us](mailto:steven.beeler@puc.state.oh.us)

---

## MEMORANDUM IN SUPPORT

---

Pursuant to 4901:2-7-12, O.A.C., the Staff served MIA Express, Inc. (Respondent) with a Notice of Preliminary Determination regarding alleged violations of 49 C.F.R. 393.9 and 49 C.F.R. 390.21(B). After a review of the facts, further investigation, and discussions with the Ohio State Highway Patrol, Staff agrees with the Patrol that inspection report OH3262004721 should be amended to reflect that a different entity is responsible for the alleged violations. As a result, further prosecution of the alleged violations against the Respondent is not warranted and the alleged violations should be deleted from the Respondent's record. Accordingly, the Staff requests that the Commission dismiss the alleged violations in this case and order them deleted from the Respondent's record.

Respectfully Submitted,

**Michael DeWine**  
Attorney General

**William L. Wright**, Section Chief  
Public Utilities Section

*/s/ Steven L. Beeler*

---

**Steven L. Beeler**  
Assistant Attorney General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Fl.  
Columbus, Ohio 43215  
614.644.8588 (telephone)  
614.644.8764 (fax)  
[steven.beeler@puc.state.oh.us](mailto:steven.beeler@puc.state.oh.us)

## **CERTIFICATE OF SERVICE**

I certify that a true copy of the Motion to Dismiss filed on behalf of the Staff of the Public Utilities Commission of Ohio was served via regular U.S. mail, postage prepaid, hand-delivered, and/or electronic service upon the following party of record this 27th day of October, 2015.

*/s/ Steven L. Beeler*

**Steven L. Beeler**  
Assistant Attorney General

### Parties of Record:

Mr. Aleksandar Mijatovic  
1185 Kelly Ave  
Akron, OH 44306

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

**Commission of Ohio Docketing Information System on**

**10/27/2015 11:45:09 AM**

**in**

**Case No(s). 15-1794-TR-CVF**

Summary: Motion to Dismiss filed on behalf of the Public Utilities Commission of Ohio.  
electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO