

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of a Request for the	:	
Installation of Active Warning Devices	:	
at the Wheeling & Lake Erie Railroad	:	Case No. 19-0650-RR-FED
Grade Crossing, DOT# 482-704N, at	:	
Camp Industrial Road in Cuyahoga	:	
County, Ohio.	:	

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

Comes now the Staff of the Public Utilities Commission of Ohio and respectfully asks this Commission to dismiss this case for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

/s/ Thomas W. McNamee

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

MEMORANDUM IN SUPPORT

On March 18, 2019, the Staff of the Public Utilities Commission of Ohio (Staff) sought approval of the entitled rail crossing. This was done pursuant to a March 5, 2019 request from the Ohio Rail Development Commission (ORDC). The Staff received notice from the ORDC on March 20, 2019, that the single customer served by the railroad using this crossing will close as of May 2019. After that time, there will be no rail traffic at this crossing. There is no reason therefore to proceed with the request in this case, and Staff asks that it be dismissed.

Respectfully submitted,

/s/ Thomas W. McNamee

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Assistant Attorney General

Public Utilities Section

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On Behalf of the Staff of

The Public Utilities Commission of Ohio

PROOF OF SERVICE

I certify that a true copy of the foregoing **Motion to Dismiss and Memorandum in Support**, submitted on behalf of the Staff of the Public Utilities Commission, was served via mail on March 20, 2019, upon the following Parties of Record.

/s/ Thomas W. McNamee

Thomas W. McNamee
Assistant Attorney General

Parties of Record:

City of Solon City Engineer
John Busch
34200 Bainbridge Road
Solon, Ohio 44139

Ohio Rail Development Commission
Cathy Stout
1980 West Broad Street, Mailstop # 3140
Columbus, Ohio 43223

Cleveland Electric Illuminating Company
VP of Rates & Reg Affairs
Eileen M Mikkelsen
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Wheeling & Lake Erie Railway
Tim Andrews
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in

Case No(s). 19-0650-RR-FED

Summary: Motion to Dismiss electronically filed by Ms. Yvette L Yip on behalf of the Public Utilities Commission of Ohio