**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of FedEx Ground Package System Inc., Notice of Apparent Violation and Intent to Assess Forfeiture.  Respondent. | :  :  :  :  :  :  :  : | Case No. 13-863-TR-CVF  (OH0992000174C) |
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**MOTION TO DISMISS**

The Staff of the Public Utilities Commission of Ohio (“Staff”) hereby moves to dismiss this case for good cause being shown in the memorandum in support below.

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|  | Respectfully submitted,  Ohio Attorney General Michael DeWine  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, 6th Floor  Columbus, Ohio 43215-3793  (614) 466-4395 (Telephone)  (614) 644-8764 (Fax)  Email: steven.beeler@puc.state.oh.us |

**MEMORANDUM IN SUPPORT**

Staff moves to dismiss this case because, upon further investigation, Staff discov­ered that the driver, Ibrahima Coulibaly, requested the administrative hearing to contest this matter. Mr. Coulibaly lacks standing to contest this matter on behalf of FedEx Ground Package System Inc., the carrier cited in this case. Mr. Coulibaly confirmed in the telephone prehearing conference that he is not an officer, employee or representative of the Carrier, FedEx Ground Package System Inc. FedEx Ground Package System Inc. did not request an administrative hearing in this matter. For these reasons, Staff believes further prosecution of this case is unwarranted.

Respectfully submitted,

Ohio Attorney General Michael DeWine

William L. Wright

Section Chief, Public Utilities Section

*/s/ Steven L. Beeler*

**Steven L. Beeler**

Assistant Attorney General

Public Utilities Section

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**CERTIFICATE OF SERVICE**

I certify a copy of the foregoing was served upon Ibrahima Coulibaly, 6651 Palmetto St., Cincinnati, OH 45227 by regular U.S. mail this 30th day of May 2013.

*/s/ Steven L. Beeler*

**Steven L. Beeler**