**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of **Excel Direct, Inc.**, Notice of Apaprent Violation and Itnent to Assess Forfeiture. | ::: | Case No. 12-1551-TR-CVF (OH3252010058C) |

**MOTION TO DISMISS**

Pursuant to O.A.C. 4901:2-7-12, the Staff of the Public Utilities Commission of Ohio (“Staff”) served Excel Direct Inc., (“Respondent”) with a Notice of Preliminary Determination regarding the Respondent’s violation of 49 C.F.R. § 393.209(d) and recommended a forfeiture of $100.00. Upon further investigation, Staff has determined that the Respondent is not responsible for the alleged violation. Therefore, Staff respect­fully requests that this case be dismissed.

Respectfully Submitted,

**Michael DeWine**

Attorney General

**William L. Wright**, Section Chief

Public Utilities Section

/s/ Devin D. Parram

**Devin D. Parram**

Assistant Attorney General

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**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 by regular U.S. mail, postage pre­paid, upon Respondent, c/o Tiffany Faires, Excel Direct, Inc., 570 Polaris Parkway, Westerville, Ohio, 43082, on the 29th of July, 2013.

/s/ Devin D. Parram

**Devin D. Parram**

Assistant Attorney General