



**Attorney General
Betty D. Montgomery**

May 12, 2000

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Via Hand-Delivery

The Honorable Steven Lesser, Attorney Examiner
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Re: *In re Complaint Against Ohi-Rail Corp.,*
Case No. 99-1638-RR-CSS

Dear Examiner Lesser:

The above-captioned case was initiated at the request of the Commission's Railroad Division to investigate an alleged violation by Respondent, Ohi-Rail Corporation, of Ohio Revised Code Section 4959.02. On April 17, 2000, counsel for Respondent, Brendan Delay, presented an offer of settlement to resolve this case, which offer principally involved payment to a landowner for construction of a fence along Respondent's right-of-way. Based upon a notice from Mr. Delay dated May 5, 2000, indicating that payment has been made pursuant to terms of the April 17, 2000 settlement offer, the Commission's Railroad Division no longer intends to prosecute this matter and thereby requests that this case be closed of record.

Respectfully submitted,

**Betty D. Montgomery
Attorney General**

William L. Wright
William L. Wright
Assistant Attorney General
Public Utilities Section
180 East Broad Street
Columbus, OH 43215-3793
(614) 466-4396
FAX: (614) 644-8764
E-mail: william.wright@puc.state.oh.us

WLW/klk

cc: Rob Marvin

State Office Tower / 30 East Broad Street / Columbus, Ohio 43215-3428

www.ag.state.oh.us

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