

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Carlos Borrego- :	
Izquierdo Notice of Apparent :	
Violation and Intent to Assess :	Case No. 13-292-TR-CVF
Forfeiture. :	(OH1696000247D)
:	
:	
:	
Respondent. :	

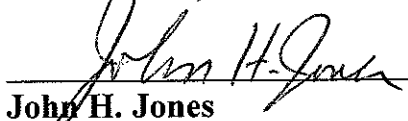
MOTION TO DISMISS

The Staff of the Public Utilities Commission of Ohio hereby moves to dismiss this case for the reasons provided in the attached Memorandum In Support.

Respectfully submitted,

Ohio Attorney General Michael DeWine

William L. Wright
Section Chief, Public Utilities Section



John H. Jones

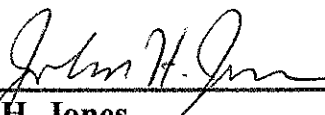
Assistant Section Chief
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(614) 466-4395 (Telephone)
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Email: john.jones@puc.state.oh.us

MEMORANDUM IN SUPPORT

The Staff moves to dismiss this case because: 1) Respondent has paid the full amount of the \$100.00 forfeiture assessed for the violation of 49 C.F.R. 395.8(k)(2) and under O.A.C. § 4901:2-7-22, full payment terminates all further proceedings regarding that violation; and 2) upon further investigation and discussion with the Ohio State Highway Patrol, Staff agrees with the Patrol that further prosecution of the alleged 49 C.F.R. 392.5(a) violation is not warranted and that violation should be deleted. Respondent was not cited for any other violations as a result of this inspection. Counsel for Respondent was contacted regarding Staff's motion to dismiss and Counsel for Respondent indicated he had no objection to Staff's motion.

For the forgoing reasons, and upon good cause being shown, the Staff respectfully requests that the Public Utilities Commission of Ohio grant its motion and dismiss this case.

Respectfully submitted,



John H. Jones

Assistant Section Chief

Public Utilities Section

Ohio Attorney General Michael DeWine

180 East Broad Street, 6th Floor

Columbus, Ohio 43215-3793

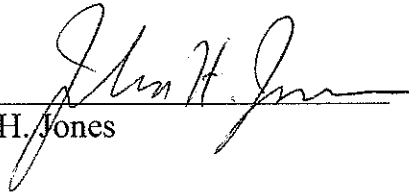
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Dismiss was served upon Michael J. Yemc, Jr., Attorney At Law, 600 South High Street, Suite 200, Columbus, Ohio 43215 by regular U.S. mail this 22nd day of May 2013.



John H. Jones

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/22/2013 9:48:05 AM

in

Case No(s). 13-0292-TR-CVF

Summary: Motion to Dismiss submitted by Assistant Attorney General John H. Jones on behalf of the Staff of the Public Utilities Commission of Ohio. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio