

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**MOTION TO DISMISS**

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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*

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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 pre-paid, upon Respondent, c/o Tiffany Faires, Excel Direct, Inc., 570 Polaris Parkway, Westerville, Ohio, 43082, on the 29<sup>th</sup> of July, 2013.

/s/ Devin D. Parram

**Devin D. Parram**

Assistant Attorney General

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 13-1551-TR-CVF**

Summary: Motion to Dismiss submitted by Assistant Attorney General Devin Parram 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