

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Rudolph Polk III,) Case No. 17-1422-TR-CVF
Notice of Apparent Violation and Intent)
to Assess Forfeiture.)

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

/s/Steven L. Beeler

Steven L. Beeler

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MEMORANDUM IN SUPPORT

The Staff moves to dismiss this case because, upon further investigation and discussion with the inspector from the Ohio State Highway Patrol, Staff believes that further prosecution of the alleged violation of 49 C.F.R. 392.82(a)(1) is not warranted and that the violation should be deleted. Staff contacted Respondent regarding this motion to dismiss and Respondent indicated he had no objection to Staff's motion.

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

Respectfully submitted,

Ohio Attorney General Michael DeWine

William L. Wright
Section Chief, Public Utilities Section

/s/Steven L. Beeler

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CERTIFICATE OF SERVICE

I certify a copy of the foregoing was served upon Mr. Rudolph Polk III, 5715 Levi
Kramer Blvd., Canal Winchester, OH 43110 by regular mail and/or electronic mail this
12th day of October, 2017.

/s/Steven L. Beeler

Steven L. Beeler

Assistant Attorney General

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in

Case No(s). 17-1422-TR-CVF

Summary: Motion to Dismiss submitted by Assistant Attorney General Steven Beeler 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