

FILE

**FAX** *FirstEnergy***FAX TRANSMISSION****FIRSTENERGY CORP.**

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PUCO**To:** PUCO Docketing**Date:** February 12, 2007**Firm:****From:** Kathy J. Kolich, Esquire**Fax #:** 614/466-0313**Pages:** 4 (including cover page)**Subject:** Re: Case No. 06-906-EL-CSS  
Motion to Dismiss and Memorandum in Support

**Comments:** Following is the Motion to Dismiss and Memorandum in Support regarding the above case. The original and the required number of copies will be sent via overnight mail for delivery Tuesday, February 13, 2007. Please call me if you have any questions. Thank you.

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76 South Main Street  
Akron, Ohio 44308

Kathy J. Kolich  
Senior Attorney

330-384-4580  
Fax 330-384-3875

*Via Federal Express  
and Facsimile (614-466-0313)*

February 12, 2007

Ms. Renee J. Jenkins  
Director, Administration Department  
Secretary to the Commission  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

Dear Ms. Jenkins:

Re: *Motion to Dismiss and Memorandum in Support  
Patrick W. Martens v. The Toledo Edison Company  
Case No. 06-906-EL-CSS*

Enclosed for filing, please find the original and twelve (12) copies of the *Motion to Dismiss and Memorandum in Support* regarding the above-referenced case. Please file the enclosed *Motion*, time-stamping the two extras and returning them to me in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy J. Kolich".

kag  
Enclosures  
cc: Parties of Record

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV  
2007 FEB 12 PM 1:48  
PUCO

Patrick W. Martens,  
Complainant,

vs.

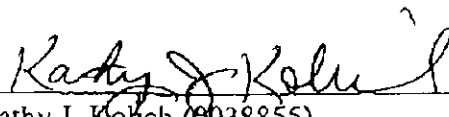
The Toledo Edison Company,  
Respondent.

CASE NO. 06-906-EL-CSS

**THE TOLEDO EDISON COMPANY'S MOTION TO DISMISS  
AND MEMORANDUM IN SUPPORT**

Respondent, The Toledo Edison Company, moves this honorable Commission to dismiss the Complaint filed in the above referenced matter for a lack of activity. Pursuant to the Attorney Examiner's December 29, 2006 Entry, Complainant was to notify the Attorney Examiner by January 17, 2007, of Complainant's intentions to proceed. As of the date of this filing, Respondent has not been made aware that any such contact by Complainant has occurred. Accordingly, Respondent, The Toledo Edison Company respectfully asks that the matter be dismissed without prejudice.

Respectfully submitted,



Kathy J. Kolich (0038855)

Senior Attorney  
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[kjkolich@firstenergycorp.com](mailto:kjkolich@firstenergycorp.com)

On behalf of The Toledo Edison Company

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on this 12<sup>th</sup> day of February, 2007, a copy of the foregoing Motion to Dismiss and Memorandum in Support of The Toledo Edison Company was served upon Patrick W. Martens, 1662 Brownstone, Apt. No. 322, Toledo, OH 43614, by regular U.S. Mail, postage prepaid.

  
Kathy J. Kolich, Attorney