

FILE

**FirstEnergy**

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

March 4, 2009

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

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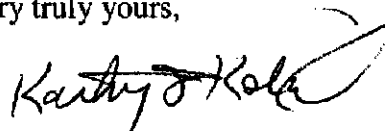
Dear Ms. Jenkins:

**Re: Joint Motion for a Continuance of  
the Proceeding and Memorandum in Support  
Case No. 07-514-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of Joint Motion for a Continuance of the Proceeding and Memorandum in Support. Please file the enclosed Joint Motion in the above-referenced docket, time-stamping the two extras and returning them to the undersigned 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,



kag  
Enclosures

cc: Parties of Record

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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Lester L. Lemke,	)	
	)	
Complainant,	)	
	)	
v.	)	CASE NO. 07-514-EL-CSS
	)	
The Toledo Edison Company,	)	
	)	
Respondent.	)	

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**JOINT MOTION FOR A CONTINUANCE OF THE PROCEEDING  
AND MEMORANDUM IN SUPPORT**

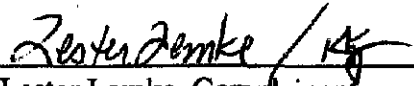
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Pursuant to Section 4901-1-13 of the Ohio Administrative Code, Complainant, Mr. Lester Lemke; Respondent, The Toledo Edison Company; and Intervenor, The Office of the Ohio Consumers' Counsel, (collectively, "Parties") jointly request a sixty (60) day continuance of the hearing that is currently scheduled for March 16, 2009. The instant action involves issues similar to those presented in two other cases before the Commission, *Malott v. Ohio Edison Company* (Case No. 07-525-EL-CSS), and *Giesler v. Toledo Edison Company* (Case No. 07-498-EL-CSS), the first of which was the subject of a joint oral motion for continuance made by the parties on the record during the hearing of March 2, 2009, and which was granted by the Attorney Examiner. The parties to the *Giesler* case are filing concurrent herewith a similar request for continuance.

The Parties in the instant action, as well as the parties in both the *Malott* and *Giesler* proceedings, each believe that there may be an acceptable uniform solution that would resolve all three of the complaint proceedings, and that the additional time will provide them with the opportunity to try to accomplish such an outcome. In the event that the Parties do not reach a settlement of all issues in this proceeding, they will contact the Commission no later than May 4, 2009 and provide a status update and at that time determine if a hearing will be necessary.

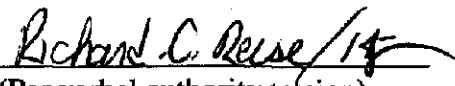
Based on the foregoing, the Parties respectfully ask that the Commission grant the sixty day continuance.

Respectfully submitted,

  
Lester Lemke, Complainant  
(per verbal authority to sign on  
Complainant's behalf)

  
Kathy J. Kolich  
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On behalf of  
The Toledo Edison Company

  
(Per verbal authority to sign)  
Richard C. Reese, Esquire  
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Columbus, OH 43215-3485  
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On behalf of The Office of the  
Ohio Consumers' Counsel

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a copy of the foregoing Joint Motion for a Continuance of the Proceeding and related Memorandum in Support was served upon the following individuals by regular U.S. Mail, postage prepaid, on this 4<sup>th</sup> day of March, 2009.

Lester L. Lemke  
3270 State Route 590  
Elmore, OH 43416

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10 West Broad Street  
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Kathy J. Kolich, Esq.