

**FirstEnergy**  
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March 26, 2009

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

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

RECEIVED-DOCKETING DIV  
2009 MAR 26 PM 2:56  
PUCO

Dear Ms. Jenkins:

Re: *Joint Motion to Dismiss  
In the Matter of the Complaint of Praxair, Inc. v. Ohio Edison Company  
Case No. 09-0088-EL-CSS*

Enclosed for filing, please find the original and twelve (12) copies of the *Joint Motion to Dismiss* regarding the above-referenced case. Please file the enclosed *Joint Motion to Dismiss*, 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,

  
Ebony L. MillerELM/jhp  
Enclosures

cc: Parties of Record

This is to certify that the images appearing are an  
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Technician DM Date Processed MAR 26 2009

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE COMPLAINT OF :  
PRAXAIR, INC., :

Complainant, :

Case No. 09-88-EL-CSS

v. :

THE CLEVELAND ELECTRIC :  
ILLUMINATING COMPANY, :

Respondent.

**JOINT MOTION TO DISMISS**

Come now Respondent, The Cleveland Electric Illuminating Company, by counsel, and Complainant, Praxair, Inc., and inform the Public Utilities Commission of Ohio ("Commission") that the parties have reached an informal resolution of this matter that fully and finally resolves all issues in this proceeding. Therefore, the parties respectfully request the Commission to dismiss this proceeding with prejudice effective on April 27, 2009. The parties hereby agree that The Cleveland Electric Illuminating Company reserves the right to file an answer in this proceeding at any point prior to dismissal and that such answer shall be deemed timely filed.

  
Ebony Miller

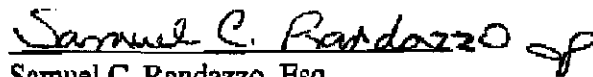
Attorney

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

On behalf of The Cleveland Electric  
Illuminating Company

  
Samuel C. Randazzo, Esq.

McNees, Wallace & Nurick

Fifth Third Center

21 East State Street, Suite 1700

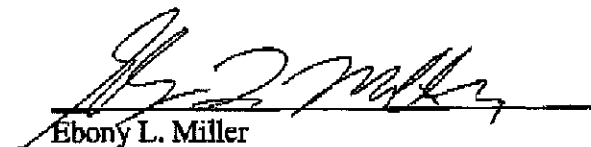
Columbus, Ohio 43215-4228

On behalf of Praxair, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Joint Motion to Dismiss was served by ordinary U.S. mail, postage prepaid, to the following on this 26<sup>th</sup> day of March, 2009:

Samuel C. Randazzo, Esq.  
McNees, Wallace & Nurick  
Fifth Third Center  
21 East State Street, Suite 1700  
Columbus, Ohio 43215-4228



Ebony L. Miller