

Ebony L. Miller  
Attorney

330-384-5969  
Fax: 330-384-3875

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

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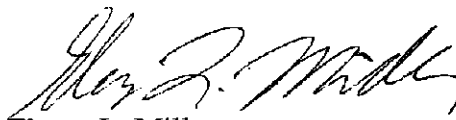
Dear Ms. Jenkins:

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. Miller

ELM/jhp  
Enclosures  
cc: Parties of Record

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician SM Date Processed MAR 27 2009

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

Complainant, :

v. :

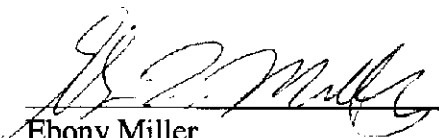
THE CLEVELAND ELECTRIC :  
ILLUMINATING COMPANY, :

Respondent. :

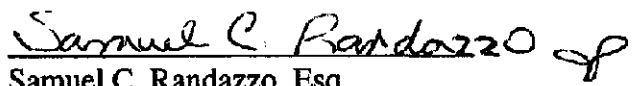
Case No. 09-88-EL-CSS

**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

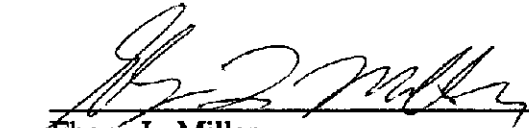
  
Samuel C. Randazzo, Esq.

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

  
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Ebony L. Miller