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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION)
OF THE CLEVELAND BOARD OF)
EDUCATION FOR THE CLEVELAND)
MUNICIPAL SCHOOL DISTRICT TO)
ESTABLISH A REASONABLE)
ARRANGEMENT WITH THE)
CLEVELAND ELECTRIC)
ILLUMINATING COMPANY FOR)
ELECTRICAL SERVICE.)

CASE NO. ~~09~~⁰⁸-1238-EL-AEC

MOTION FOR EXTENSION OF TIME AND CONTINUANCE,
REQUEST FOR EXPEDITED RULING,
AND
NOTICE OF ADDITIONAL APPEARANCES
OF
THE CLEVELAND MUNICIPAL SCHOOL DISTRICT

The Cleveland Municipal School District ("CMSD"), the applicant herein, pursuant to Rules 4901-1-12 and 4901-1-13, Ohio Administrative Code ("OAC"), hereby moves for an order extending the due date for the filing of testimony in this matter to April 2, 2009 and continuing the hearing currently scheduled for April 7, 2009 to April 9, 2009 for those reasons set forth in the accompanying memorandum. CMSD requests an expedited ruling on this motion pursuant to Rule 4901-1-12(C), OAC.

CMSD also hereby enters the additional appearances of Adrian Thompson of the law firm of Taft Stettinius & Hollister and Barth E. Royer of the law firm of Bell & Royer Co., LPA on its behalf.

WHEREFORE, CMSD respectfully request that its motion and request for an expedited ruling be granted.

Respectfully submitted,

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|----------------------------------|---|-------------------------|
| IN THE MATTER OF THE APPLICATION |) | |
| OF THE CLEVELAND BOARD OF |) | |
| EDUCATION FOR THE CLEVELAND |) | |
| MUNICIPAL SCHOOL DISTRICT TO |) | |
| ESTABLISH A REASONABLE |) | CASE NO. 09-1238-EL-AEC |
| ARRANGEMENT WITH THE |) | |
| CLEVELAND ELECTRIC |) | |
| ILLUMINATING COMPANY FOR |) | |
| ELECTRICAL SERVICE. |) | |

**MEMORANDUM IN SUPPORT
OF
MOTION FOR EXTENSION OF TIME AND CONTINUANCE
OF
THE CLEVELAND MUNICIPAL SCHOOL DISTRICT**

By entry in this docket of March 12, 2009, the attorney examiner scheduled the evidentiary hearing in this matter to commence April 7, 2009. Because the entry was silent with respect to the due date for the filing of expert testimony, the filing date is controlled by Rule 4901-1-29(A)(1)(h), OAC, which provides that, in proceedings not specifically enumerated in subparagraphs (A)(1)(a) through (g) of the rule, expert testimony is to be filed and served no later than seven days prior to the commencement of the hearing. Accordingly, expert testimony in this proceeding would be due March 31, 2009.

Due to the press of other matters, it now appears that CMSD's expert will not be able to complete his testimony by March 31, 2009. Thus, by the foregoing motion, CMSD is requesting that the due date for the filing of expert testimony be extended to April 2, 2009. If this extension is granted, a corresponding continuance of the current April 7, 2009 hearing date will also be necessary to permit staff time to prepare and file rebuttal testimony and to provide the other

parties with an opportunity to review such testimony in preparation for hearing. Thus, CMSD proposes that the hearing be rescheduled to commence April 9, 2009.

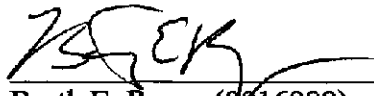
In view of the proximity to the otherwise applicable due date for expert testimony, CMSD has requested an expedited ruling on its motion. Although not required due to length of the extension requested [see Rule 4901-1-12(C), OAC], undersigned counsel has contacted counsel for staff and for intervenor The Cleveland Electric Illuminating Company, the only other party to the case, and is authorized to represent that neither objects to the issuance of an expedited ruling without the filing of memoranda or to the extension and continuance requested in CMSD's motion.

WHEREFORE, CMSD respectfully requests that its motion and request for an expedited ruling be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following parties by first class mail, postage prepaid, and/or by electronic mail this 27th day of March 2009.


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