

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Akron)
Thermal, Limited Partnership for an) Case No. 09-453-HT-AEM
Emergency Increase in its Rates and)
Charges for Steam and Hot Water Service.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-442-HT-AEC
of a Modification to an Existing)
Arrangement.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-441-HT-AEC
of an Arrangement with an Existing)
Customer.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership to Issue) Case No. 09-414-HT-AIS
Three Promissory Long Term Notes.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-315-HT-ATA
of Revised Tariffs.)

ENTRY

The attorney examiner finds:

- (1) By entry of June 17, 2009, the Commission issued an entry that consolidated the above-captioned cases, scheduled a public hearing for July 15, 2009, and directed the applicant in all of these cases, Akron Thermal, Limited Partnership (Akron Thermal), to provide notice of the applications and the hearing.
- (2) On June 19, 2009, the city of Akron (Akron) filed a motion to shorten the discovery response time to seven days. Akron claims that, due to the abbreviated schedule established in these cases, there is insufficient time to conduct discovery and prepare for hearing under the Commission's regular 20-day discovery response time. As a result, Akron requests that the Commission require that all parties respond to discovery requests within seven days of service. The motion also

included a request for an expedited ruling. Counsel for Akron indicated that it has contacted counsel for the parties in these cases and that counsel for Akron Thermal does not object to the expedited ruling and that counsel for Children's Hospital Medical Center of Akron and counsel for Canal Place, LTD., object to neither the expedited discovery response time nor the expedited ruling requested.

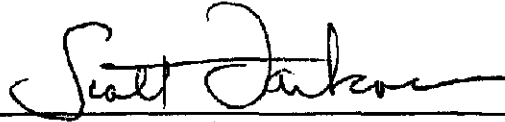
- (3) Rule 4901-1-12(C), Ohio Administrative Code (O.A.C.), provides that if a motion includes a specific request for an expedited ruling, and the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued.
- (4) The attorney examiner believes that an expedited discovery schedule is warranted and that the response time suggested by Akron is reasonable. Accordingly, all parties shall respond to discovery requests within seven days of service. In addition, all discovery requests and responses to discovery should be made electronically. Where a party cannot meet the seven-day deadline, the attorney examiner and the requesting party will be informed of that inability, allowing the responding and requesting parties to agree on a deadline or a deadline to be set by the attorney examiner. All parties will retain their legal rights to contest or compel discovery and appeal any decision of the Commission.

It is, therefore,

ORDERED, That the motion to shorten the discovery response time to seven days be granted, subject to the guidelines set forth in finding 4. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

wpf
/vrm

Entered in the Journal

JUN 22 2009



Renee J. Jenkins
Secretary