

FILE

**FirstEnergy**

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

August 03, 2009

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PUCO

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

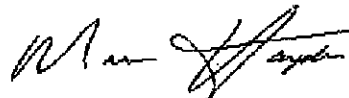
Dear Ms. Jenkins:

Re: *Joint Motion to Dismiss  
Paul M. Benak v. The Cleveland Electric Illuminating Company  
Case No. 09-406-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,



kli  
Enclosures  
cc: Parties of Record

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**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

PAUL M. BENAK  
COMPLAINANT,

vs.

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,  
RESPONDENT.

CASE NO. 09-406-EL-CSS

**JOINT MOTION TO DISMISS**

Come now Respondent, The Cleveland Electric Illuminating Company, by counsel, and Complainant, Paul M. Benak, and inform the Public Utilities Commission of Ohio ("Commission") that the parties have reached an informal settlement 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.

Respectfully submitted,

  
Mark A. Hayden

Attorney

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On behalf of The Cleveland  
Electric Illuminating Company

  
Paul M. Benak

Pro Se