

2009 SEP 25 AM 9:52

Kathy J. Kolich
Senior Attorney

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

PUCO

September 24, 2009

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

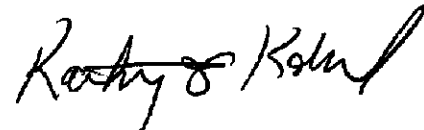
Dear Ms. Jenkins:

**Re: Motion to Withdraw Prefiled Testimony and Memorandum in Support
Case No. 07-525-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the Motion to Withdraw Prefiled Testimony and Memorandum in Support. Please file the enclosed Motion in the above-referenced docket, 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,



kag
Enclosures

cc: Parties of Record

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Technician SM Date Processed SEP 25 2009

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Brian A. and Christy G. Malott,)	
Complainant,)	
)	
vs.)	CASE No. 07-525-EL-CSS
)	
Ohio Edison Company)	
Respondent.)	

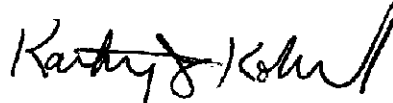
**MOTION TO WITHDRAW PREFILED TESTIMONY
AND MEMORANDUM IN SUPPORT**

Pursuant to Section 4901-1-12 of the Ohio Administrative Code, Respondent, Ohio Edison Company ("Company" or "Ohio Edison") respectfully moves for withdrawal of the expert testimony of Bruce C. Remmel and Roy E. Ledden, which was filed in this proceeding on February 23, 2009. Since the filing of this testimony, and pursuant to an August 20, 2009 Commission Entry, this matter has been consolidated with two other complaint cases, Case No. 07-498-EL-CSS and 07-514-EL-CSS. Pre-filed testimony is due to be filed in the consolidated matter no later than October 7, 2009 (Entry at 3 (Aug. 20, 2009.))

Inasmuch as the Commission has found these three complaint cases to involve common issues, the Company anticipates much of the testimony to be the same in each of the individual complaints. The Company believes that the withdrawal of the previously filed expert testimony will avoid confusion during the evidentiary hearing by providing a single document with the comprehensive testimony of the Company's expert witnesses. Accordingly, Ohio Edison respectfully asks that its motion be granted. Both the Ohio

Consumers' Counsel and the Complainant have authorized me to represent that neither objects to this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathy J. Kolich", with a stylized flourish at the end.

Kathy J. Kolich (Reg. No. 0038855)

Senior Attorney

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

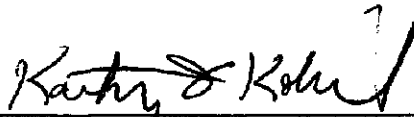
Telephone: 330-384-4580

Fax: 330-384-3875

On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of Ohio Edison Company's Motion to Withdraw Pre-filed Testimony was served upon Brian A. and Christy G. Malott, 1010 Sandusky County Road 308, Bellevue, OH 44811, and Richard C. Reese, Esquire, Office of The Ohio Consumer's Counsel, Suite 1800, 10 West Broad Street, Columbus, OH 43215-3485, by regular U.S. Mail, postage prepaid, and by electronic mail to bcmalott@verizon.net, and reese@occ.state.oh.us on this 24th day of September, 2009.



Kathy J. Kolich, Esq.