

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Tri-)	
Pyramid Machining, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-443-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 4, 2009, a settlement conference was held in an attempt to informally resolve this matter. The parties were unable to reach a resolution of the issue presented in the complaint. Further, it appears that reasonable grounds for complaint have been presented.
- (2) Accordingly, a hearing in this matter should be scheduled to begin at 10:00 a.m. on December 1, 2009, in the offices of the Commission, hearing room 11-G, 180 East Broad Street, Columbus, Ohio.
- (3) In Commission proceedings, the complainant has the burden of proving the allegations in the complaint. Thus, at hearing, it shall be the complainant's responsibility to appear and be prepared to present evidence in support of the complaint. Failure to appear at hearing may be considered grounds for dismissal of the complaint.
- (4) Any party intending to present direct expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code (O.A.C.), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

- (5) Pursuant to Rules 4901-1-19(A) and 4901-1-20(C), O.A.C., written responses are due 20 days after service of discovery requests.
- (6) Rule 4901-1-08, O.A.C., requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio.

It is, therefore,

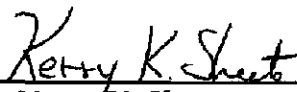
ORDERED, That a hearing in this matter be scheduled for December 1, 2009, at 10:00 a.m., in Hearing Room 11-G, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,


ORDERED, That the parties respond to discovery requests within 20 days after service of the discovery request. It is, further,

ORDERED, That all findings herein be observed by the parties in this case. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Kerry K. Sheets
Attorney Examiner


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Entered in the Journal

OCT 16 2009



Renee J. Jenkins
Secretary