

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Castro Brothers Inc. dba)	
Scorchers,)	
)	
Complainant,)	
)	Case No. 08-1274-EL-CSS
v.)	
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On December 1, 2008, Dennis Castro (Mr. Castro), on behalf of his company Castro Brothers Inc. dba Scorchers (Scorchers), filed a complaint against Ohio Edison Company (Ohio Edison). Mr. Castro alleged inaccuracies in his bill because of "power outages, spikes, flickering, etc. in our facility."
- (2) On December 23, 2008, Ohio Edison filed its answer admitting that it maintains an account for Scorchers, but denying the material allegations of the complaint and asserting that the billing for Scorchers is appropriate.
- (3) By entry issued February 12, 2009, the attorney examiner scheduled a March 3, 2009, prehearing conference. The conference was cancelled prior to March 3, 2009, at Mr. Castro's request. Several weeks later, Mr. Castro contacted the attorney examiner to indicate a renewed interest in pursuing the matter, while simultaneously discussing the complaint directly with counsel for Ohio Edison. Accordingly, on April 24, 2009, the attorney examiner issued an entry scheduling a June 30, 2009, hearing.
- (4) On June 1, 2009, counsel for Ohio Edison contacted the attorney examiner and requested that the hearing be rescheduled to an indeterminate date. Mr. Castro agreed to Ohio Edison's request to hold the hearing in abeyance. By entry issued

June 10, 2009, the hearing was held in abeyance pending settlement discussions.

- (5) On November 13, 2009, the parties filed a notice of voluntary dismissal with prejudice. The notice states that the parties agree that Mr. Castro's claims are dismissed with prejudice.
- (6) The Commission finds that the parties' request to dismiss the complaint, with prejudice, is reasonable and should be granted.

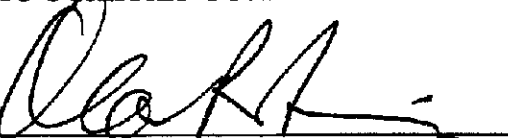
It is, therefore,

ORDERED, That the parties' request to dismiss the complaint, with prejudice, be granted. It is, further,

ORDERED, That Case No. 08-1274-EL-CSS be dismissed with prejudice. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

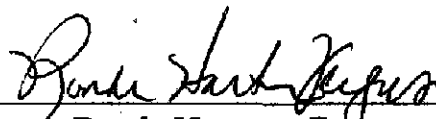


Alan R. Schriber, Chairman

Paul A. Centolella



Valerie A. Lemmie



Ronda Hartman Fergus

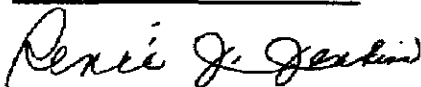


Cheryl L. Roberto

JML:ct

Entered in the Journal

DEC 09 2009



Renee J. Jenkins
Secretary