

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Tri-
Pyramid Machining, Inc.,

Complainant,

v.

The Cleveland Electric Illuminating
Company,

Respondent.

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) Case No. 09-443-EL-CSS
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ENTRY

The attorney examiner finds:

- (1) A settlement conference was held in this matter on August 4, 2009. The parties, however, were unable to resolve their differences at the settlement conference.
- (2) A hearing was scheduled on December 1, 2009, but was continued until December 10, 2009, because counsel for the respondent, The Cleveland Electric Illuminating Company, had a scheduling conflict on the hearing date. Subsequently, the hearing was rescheduled to January 26, 2010, in order to allow the complainant, Tri-Pyramid Machining, Inc. (Tri-Pyramid), additional time to engage new counsel.
- (3) On January 25, 2010, Kenneth Wallace, president of Tri-Pyramid, notified the attorney examiner that the complaint would be withdrawn. At that time, Mr. Wallace stated that a withdrawal of the complaint would be submitted in writing to the Commission. Consequently, the hearing that was scheduled on January 26, 2010, was not convened.
- (4) To date, a written withdrawal of the complaint has not been submitted in this case.
- (5) Mr. Wallace may avail himself of one of two options: either (a) provide information in writing to the attorney examiner by February 19, 2010, with regard to his intentions in this matter, or (b) do nothing by the close of business on February 19, 2010,

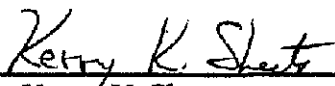
and the examiner will recommend to the Commission that the case be dismissed.

It is, therefore,

ORDERED, That the above findings be observed. 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

/vrmST

Entered in the Journal

FEB 10 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary