

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Helen)	
Ford and Donald R. Ford,)	
)	
Complainants,)	
)	
v.)	Case No. 09-902-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) This matter originally was scheduled for a settlement conference on December 10, 2009. Thereafter, at the request of the complainants, the settlement conference was rescheduled twice, and convened on March 11, 2010. Ohio Edison Company (Ohio Edison or company) was present at the conference. However, the complainants, Helen Ford and Donald R. Ford, did not appear for the proceeding.
- (2) Subsequently, Mr. Ford contacted the attorney examiner and stated that he was delayed in his job as a truck driver, and was unable to arrive at the Commission's offices in time for the settlement conference. Mr. Ford, however, offered no explanation as to why his wife, the other complainant in this case, did not appear.
- (3) By entry dated March 23, 2010, the settlement conference was continued until May 24, 2010. In the entry, Mr. and Mrs. Ford were advised that, absent a settlement of the complaint, failure to attend a scheduled settlement conference might result in a recommendation that the Commission dismiss the case for lack of prosecution.
- (4) On May 24, 2010, the parties conducted a telephone conference call with an attorney examiner from the Commission's Legal Department. At that time, Mr. Ford stated that he could not appear for the May 24, 2010, settlement conference because of

his job, an out-of-town trucking assignment. However, as with his request for a continuance after the March 11, 2010, conference date, Mr. Ford offered no explanation as to why his wife did not appear for the conference. In addition, during the conference call, counsel for Ohio Edison Company stated that the company had no objections to a continuance of the settlement conference and that a decision from the company regarding settlement was close at hand.

- (5) In light of the existing communication between the parties, as evidenced by the May 24, 2010, conference call, and the information conveyed during the call that at least some efforts at settlement are underway, the examiner is willing to believe that Mr. Ford's latest request for a continuance is for good cause and should be granted. The examiner, therefore, finds that the settlement conference should be scheduled for a fifth time. Mr. and Mrs. Ford, again, are advised that, absent a settlement of the complaint, failure to attend the rescheduled settlement conference may result in a recommendation that the Commission dismiss the case for lack of prosecution.
- (6) Accordingly, the settlement conference in this case should be rescheduled for June 18, 2010, at 2:00 p.m., in the offices of the Commission, Conference Room 1246, 12th floor, 180 East Broad Street, Columbus, Ohio 43215.
- (7) In the March 23, 2010, entry in this matter, Mr. and Mrs. Ford also were advised that an extraordinary circumstance must be shown for another continuance of the settlement conference. That advisory is still in effect. If either party requests another continuance of the settlement conference, and an extraordinary circumstance is not shown as a reason for the continuance, then the continuance will not be granted. Moreover, given the advance notice provided by both the May 24, 2010, telephone conference call and the terms of this entry, a work-related reason for requesting a continuance of the June 18, 2010, settlement conference will not be considered an extraordinary circumstance.

It is, therefore,

ORDERED, That the settlement conference in this case be rescheduled in accordance with Finding (6). It is, further,

ORDERED That this case proceed under the terms set forth in Findings (5) and (7).
It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Kerry K. Sheets
By: Kerry K. Sheets
Attorney Examiner

9/9/vrm

Entered in the Journal

11/2/07

Renee J. Jenkins

Renee J. Jenkins
Secretary