

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Carl Juergens	)	
Nancy Jastatt-Juergens	)	
CJ Construction and Excavating	)	
	)	
Complainants,	)	
	)	
vs.	)	Case Nos. 11-5229-EL-CSS
	)	11-5231-EL-CSS
Ohio Edison Company	)	
	)	
Respondent.	)	

**JOINT MOTION TO CONTINUE SETTLEMENT CONFERENCE AND REQUEST  
FOR EXPEDITED RULING**

Pursuant to Rule 4901-1-12, Ohio Administrative Code (“O.A.C.”), Complainants Carl Juergens, Nancy Jastatt-Juergens and CJ Construction and Excavating (“Complainants”) and Respondent Ohio Edison Company (“Ohio Edison”) (collectively, the “Parties”) respectfully request an indefinite continuance of the February 15, 2012 settlement conference and expedited ruling of this request. Specifically, the Parties request that the Attorney Examiner continue the settlement conference indefinitely.

Rule 4901-1-12(c), O.A.C. provides:

Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support. If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda. In all other situations, the party requesting an expedited ruling may first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued. If any party objects to the issuance of such a ruling, or if the moving party fails to certify that no party has any objection, any party may file a memorandum contra within seven days after the service of the motion, or such other period as the commission, the legal director, the deputy legal director, or the attorney examiner

requires. No reply memoranda shall be filed in such cases unless specifically requested by the commission, the legal director, the deputy legal director, or the attorney examiner. (emphasis added).

Moreover, Rule 4901-1-12(F), O.A.C. provides:

Notwithstanding paragraphs (B) and (C) of this rule, the commission, the legal director, the deputy legal director, or the attorney examiner may, upon their own motion, issue an expedited ruling on any motion, with or without the filing of memoranda, where the issuance of such a ruling will not adversely affect a substantial right of any party.

The reason for this request is that the Parties have been actively engaging in settlement negotiations. The Parties believe that they can continue discussing settlement without the assistance of the Commission, which will conserve resources, both for the Parties and the Commission. Therefore, the Parties request an indefinite continuance of the settlement conference. Should the Parties become unable to settle this case, they will promptly notify the Commission so that it may schedule a pre-hearing conference.

This is the first request for a continuance Complainants have made and the second request for continuance that Ohio Edison has made. The Parties are not requesting this continuance for purposes of delay.

Therefore, the Parties respectfully requests that the Attorney Examiner grant their request for an indefinite continuance of the February 15, 2012 hearing date and expedited ruling of this request.

Respectfully submitted,

/s/ Andrew Suhar, Esq.  
Andrew Suhar, Esq. (0058419)  
Shuar & Macejko, LLC  
P.O. Box 1497  
Youngstown, Ohio 44501  
Tel. (330) 744-9007  
Fax (330) 744-5857  
asuhar@suharlaw.com  
Attorney for Complainants

/s/ Carrie M. Dunn, Esq.  
Carrie M. Dunn (0076952)  
FirstEnergy Service Co.  
76 S. Main Street  
Akron, Ohio 44308  
Tel. (330) 761-2352  
Fax (330) 384-3875  
[cdunn@firstenergycorp.com](mailto:cdunn@firstenergycorp.com)  
Attorney for Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of Ohio Edison Company was served by electronic mail upon Counsel for the Complainants, Andrew Suhar.

/s/ Carrie M. Dunn  
Carrie M. Dunn  
Attorney

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/13/2012 11:23:24 AM**

**in**

**Case No(s). 11-5229-EL-CSS, 11-5231-EL-CSS**

Summary: Motion for Continuance and Request for Expedited Ruling (Joint Motion)  
electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company