

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

David Poole)	
)	
Complainant,)	
)	
vs.)	Case No. 11-3875-EL-CSS
)	
Ohio Edison Company)	
)	
Respondent.)	

MOTION TO CONTINUE HEARING AND REQUEST FOR EXPEDITED RULING

Pursuant to Rule 4901-1-12, Ohio Administrative Code (“O.A.C.”), Respondent Ohio Edison Company (“Ohio Edison”) respectfully requests a continuance of the April 26, 2012 hearing and expedited ruling of this request. Specifically, Ohio Edison requests that the Attorney Examiner continue the hearing pending the Commission’s decision on Ohio Edison’s Motion to Dismiss filed contemporaneously herewith.

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 hearing is currently scheduled for April 26, 2012. On April 12, 2012, Mr. Poole filed a letter with the Commission stating that he is “unable to attend” the hearing on that date. Because it appears that Mr. Poole has failed to prosecute his case, as discussed in the Motion to Dismiss filed contemporaneously herewith, Ohio Edison is seeking a continuance to allow the Commission time to consider its Motion to Dismiss. Moreover, Ohio Edison would prefer to not have to spend resources that it does not have to, namely having its witness travel to a hearing where Complainant will not appear. Moreover, a continuance will also not adversely affect Mr. Poole because he has indicated that he will not be attending the hearing anyway.

This is the first request for a continuance that Ohio Edison has made in this case. Also, Ohio Edison is not requesting this continuance for purposes of delay.

Therefore, Ohio Edison respectfully requests that the Attorney Examiner grant Ohio Edison’s request for a continuance of the April 26, 2012 hearing date, pending the Commission’s ruling on Ohio Edison’s Motion to Dismiss and expedited ruling of this request.

Respectfully submitted,

/s/ Carrie M. Dunn
Carrie M. Dunn (#0076952)
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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Motion to Continue Hearing and Request for Expedited Ruling has been served on David Poole, 2853 McGuffey Road, Youngstown, Ohio 44506

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

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 11-3875-EL-CSS

Summary: Motion to Continue Hearing and Request for Expedited Ruling electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company