

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Columbus Brock,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 11-6085-EL-CSS
	)	
Ohio Edison Company,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On May 16, 2012, the attorney examiner issued an entry scheduling a July 12, 2012, hearing in this matter.
- (2) On July 2, 2012, Ohio Edison Company (Ohio Edison) filed a motion for continuance of the hearing, with a request for an expedited ruling. The attorney examiner granted the motion on July 10, 2012, and stated that the date for the rescheduled hearing would be indicated in a future entry.
- (3) Ohio Edison filed a letter on July 11, 2012, explaining that the discovery responses of complainant Columbus Brock, in addition to his remarks made during deposition, indicate that he actually is disputing a February 2002 disconnection, not a November 2004 disconnection as he had originally indicated in his complaint.
- (4) The attorney examiner issued an entry on July 16, 2012, rescheduling the hearing to September 7, 2012. At the same time, the attorney examiner contacted Mr. Brock, directing him to amend his complaint in writing to indicate that the dispute concerns a February 2002 disconnection.
- (5) Ohio Edison filed a motion to dismiss for failure to prosecute and a motion for an indefinite continuance on August 20, 2012. Ohio Edison observes that Mr. Brock has not amended his complaint to reflect that he is disputing a February 2002

disconnection. Ohio Edison adds that it requests the continuance so that its motion to dismiss can be fully considered.

- (6) Pursuant to Rule 4901-1-12, Ohio Administrative Code, Mr. Brock has 15 days to file a memorandum contra in response to Ohio Edison's August 20, 2012, motion to dismiss. Specifically, Mr. Brock has until September 4, 2012, to file a memorandum contra or amend his complaint. If Mr. Brock fails to do so, the complaint may be dismissed for failure to prosecute the matter.
- (7) The attorney examiner finds that Ohio Edison's motion for continuance is reasonable and should be granted. Accordingly, the September 7, 2012, hearing shall be cancelled and continued on a date to be determined in a future entry. In addition, Mr. Brock shall file a memorandum contra or amend his complaint no later than September 4, 2012.

It is, therefore,

ORDERED, That Ohio Edison's August 20, 2012, motion for continuance be granted, and that the September 7, 2012, hearing be cancelled, to be continued at a date to be determined in a future entry. It is, further,

ORDERED, That Mr. Brock amend his complaint or respond to Ohio Edison's motion to dismiss no later than September 4, 2012. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 11-6085-EL-CSS**

Summary: Attorney Examiner Entry granting Respondent's motion for continuance, cancelling the hearing to be continued at a future date to be determined, and ordering the Complainant to amend the complaint or respond to the motion to dismiss no later than 09/04/12. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio