

PUBLIC UTILITIES COMMISSION OF OHIO

ASM, LLC,

Complainant,

v.

The Illuminating Company (CEI),

Respondent.

) Case No. 12-2372-EL-CSS

)

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

)

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) *Counsel for Complainant, ASM, LLC*

Pursuant to Rule 4901-1-12, Ohio Administrative Code (“O.A.C.”), the parties jointly request a continuance of the December 12, 2012 settlement conference for approximately 45 days. The parties are diligently engaging in the discovery process and need more time to gather information to assess their claims and defenses. Specifically, the parties request that the Attorney Examiner continue the settlement conference for about 45 days to allow ample time for them to exchange information in advance of the conference.

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 settlement conference is currently scheduled for December 12, 2012 at 10:00 a.m.

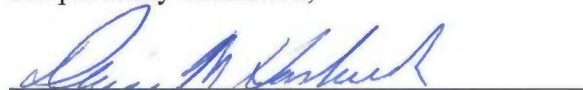
The parties would prefer not to have to spend resources having their attorneys and representatives travel to a settlement conference before having sufficient opportunity to

exchange and evaluate responses to discovery. A continuance of about 45 days would afford sufficient time for this purpose and permit a more meaningful discussion to occur at the pretrial.

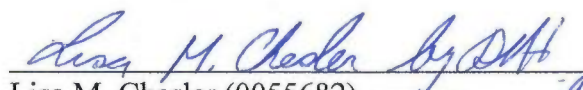
This is the first request for a continuance that the parties have jointly made in this case and the parties are not requesting this continuance for purposes of delay.

Therefore, the parties respectfully request that the Attorney Examiner grant their request for a continuance of the December 12, 2012 settlement conference scheduled at 10:00 a.m. and reschedule it on either January 28, 2013 or February 1, 2013, if these dates are acceptable to the Commission or upon the next date after February 1, 2013 when the parties are mutually available.

Respectfully submitted,



Denise M. Hasbrook (0004798)  
Emily Ciecka Wilcheck (0077895)  
Carrie M. Dunn (0076952)  
*Counsel for The Cleveland Electric  
Illuminating Company*



Lisa M. Chesler (0055682)  
*Counsel for ASM, LLC*


*per E mail  
authorization  
12/10/12*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Continue Hearing and Request for Expedited Ruling was sent by ordinary U.S. Mail and electronically, this 10th day of December, 2012, to the following:

Lisa M. Chesler, Esq.  
9639 Kinsman Road  
Materials Park, OH 44073

Respectfully submitted,



Denise M. Hasbrook (0004798)  
Emily Ciecka Wilcheck (0077895)  
Carrie M. Dunn (0076952)  
*Counsel for The Cleveland Electric  
Illuminating Company*

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

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**Case No(s). 12-2372-EL-CSS**

Summary: Motion to Continue Settlement Conference and Request for Expedited Ruling (Joint) electronically filed by Mrs. Denise M. Hasbrook on behalf of The Cleveland Electric Illuminating Company