

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**ROBERT FERGUSON,**

**Complainant,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**Respondent.**

**Case No. 12-2883-EL-CSS**

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**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S MOTION TO  
CONTINUE AND FOR EXPEDITED RULING**

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Pursuant to Rule 4901-1-12, Ohio Administrative Code, Respondent The Cleveland Electric Illuminating Company (“CEI”) respectfully requests a continuance of the December 11, 2013 hearing and expedited ruling of this request. As an initial matter, counsel for CEI has a conflict with this date due to the expected rescheduling of the workshop in Case No. 12-3151-EL-COI. Second, CEI also requests that the Attorney Examiner continue the hearing pending the Commission’s decision on CEI’s Motion to Dismiss filed contemporaneously herewith.

Rule 4901-1-12(C), Ohio Administrative Code. 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), Ohio Administrative Code. 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 December 11, 2013. Counsel for CEI is lead counsel in *In the Matter of the Commission's Investigation of Ohio's Retail Electric Market*, Case No. 12-3151-EL-COI. A workshop is currently scheduled in that case for December 12, 2013; however, at the workshop held on November 5, 2013, Commission Staff indicated the December workshop would be rescheduled to December 11, 2013. As counsel for CEI has a conflict, CEI is requesting a continuance.

Second, CEI is seeking a continuance to allow the Commission time to consider its Motion to Dismiss based on satisfaction of the Complaint. Moreover, CEI 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.

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

Therefore, CEI respectfully requests that the Attorney Examiner grant CEI's request for a continuance of the December 11, 2013 hearing date, pending the Commission's ruling on CEI's Motion to Dismiss and expedited ruling of this request.

Respectfully submitted,

/s/ Carrie M. Dunn

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ATTORNEYS FOR RESPONDENT THE  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was delivered to the following person by first class mail, postage prepaid, this 7<sup>th</sup> day of November, 2013:

Robert Ferguson  
1333 East Blvd. Apt. 4  
Cleveland, Ohio 44106

/s/ Carrie M. Dunn  
An Attorney for The Cleveland Electric  
Illuminating Company

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

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**Case No(s). 12-2883-EL-CSS**

Summary: Motion to Continue and for Expedited Ruling (Corrected) electronically filed by Ms. Carrie M Dunn on behalf of The Cleveland Electric Illuminating Company