

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Material Sciences Corporation,)	
Complainant,)	
v.)	Case No. 13-2145-EL-CSS
The Toledo Edison Company,)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 30, 2013, Material Sciences Corporation (MSC or Customer) filed a 50 count complaint against the Toledo Edison Company (TE or Utility), essentially alleging that MSC has been improperly and unfairly penalized in an amount exceeding \$2 million as a result of MSC's failure to achieve a mandatory curtailment of load at its coatings facility in Walbridge, Ohio on September 11, 2013. On November 4, 2013, MSC filed an errata correcting an error in its complaint.
- (2) On November 8, 2013, MSC filed a motion to approve an expedited timetable for discovery.
- (3) On November 13, 2013, TE filed a motion requesting a 20-day extension to file its answer. On November 18, 2013, the attorney examiner issued an entry granting the Utility until December 9, 2013 to file its answer, and scheduling a status conference.
- (4) On December 9, 2013, TE filed its answer responding to all 50 counts in the complaint, and asserting that the complaint fails to set forth reasonable grounds, as required by R.C. 4905.26, and fails to state a claim upon which relief can be

granted. Further, TE argues that the Customer's claims are barred, in whole or in part, because MSC was a signatory to the stipulations in the Utility's electric security plans approved in Case Nos. 08-935-EL-SSO, 10-388-EL-SSO, and 12-1230-EL-SSO. In addition, TE contends that the Customer's claims against TE are barred because the utility was acting in compliance with its tariff and all applicable laws, regulations, and orders of the Commission.

- (5) Pursuant to conference calls held on November 22 and December 19, 2013, counsel for the parties have agreed to the following procedural schedule:

Deadline for Written Discovery Requests (except notices of deposition): February 28, 2014

Deadline for any Stipulations of Fact: March 14, 2014

If all facts can be stipulated:

Initial Briefs due April 4, 2014

Reply Briefs due April 28, 2014

If all facts cannot be stipulated:

MSC Direct Testimony due April 11, 2014

TE Direct Testimony due April 25, 2014

Hearing will be held beginning May 13, 2014

- (6) Accordingly, MSC's November 8, 2013 motion is granted to the extent set forth above, and both parties should comply with the foregoing schedule. Further, this matter will be scheduled for hearing on May 13, 2014, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio.

It is, therefore,

ORDERED, That this matter be scheduled for hearing on May 13, 2014, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio. It is, further,

ORDERED, That the parties comply with the foregoing schedule. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Richard Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-2145-EL-CSS

Summary: Attorney Examiner Entry orders a hearing for 05/13/2014, 10:00 a.m., at the offices of the Commission, 180 E. Broad St., 11th Flr, Rm. 11-C, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Richard Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio