

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Material Sciences Corporation,)	
)	
Complainants,)	
)	
v.)	Case No. 12-919-EL-CSS
)	
The Toledo Edison Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On March 12, 2012, Material Sciences Corporation (Complainant) filed a complaint against the Toledo Edison Company (TE) alleging that TE violated statutory and regulatory duties related to retail electric services provided to Complainant at its Walbridge, Ohio, facility. On April 2, 2012, TE filed a motion for extension of the time to file an answer, which the attorney examiner granted. Thereafter, on April 13, 2012, TE filed a motion to hold the proceeding in abeyance pending the outcome of TE's electric security plan (ESP) in *In re FirstEnergy*, Case No. 12-1230-EL-SSO (*ESP 3 Case*).
- (2) On July 18, 2012, the Commission issued an Opinion and Order in the *ESP 3 Case*, adopting a stipulation and recommendation filed by various parties, including Complainant. The stipulation provided, in pertinent part, that Complainant would agree to dismiss, with prejudice, its complaint filed against TE in the present case, upon Commission approval of the stipulation. *ESP 3 Case*, Opinion and Order (July 18, 2012) at 16.
- (3) By entry issued October 25, 2013, the attorney examiner noted that no request to dismiss had been filed and ordered the parties to participate in a status conference via telephone on January 24, 2014, in the event that Complainant had not filed a motion to dismiss as of that date.

- (4) Thereafter, on January 6, 2014, Complainant filed a motion to dismiss its complaint, with prejudice, in light of the stipulation adopted in the *ESP 3 Case*, Opinion and Order (July 18, 2012) at 16.
- (5) The Commission finds that the request to dismiss the complaint, with prejudice, should be granted and the complaint should be dismissed with prejudice.

It is, therefore,

ORDERED, That the request to dismiss the complaint, with prejudice, is granted.
It is, further,

ORDERED, That Case No. 12-919-EL-CSS be dismissed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser

M. Beth Trombold

Lynn Slaby

Asim Z. Haque

MWC/sc

Entered in the Journal

JAN 29 2014

Barcy F. McNeal

Barcy F. McNeal
Secretary