

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

PETE SPOONER and CINDY J. BIAS,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 13-1583-EL-CSS
	)	
OHIO EDISON COMPANY and	)	
FIRSTENERGY SOLUTIONS,	)	
	)	
Respondents.	)	

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**MOTION TO CONTINUE EVIDENTIARY HEARING  
AND NOTICE OF DEPOSITION TO THE COMPLAINANTS  
OF OHIO EDISION COMPANY**

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In accordance with Rules 4901-1-13 and 4901-1-12(A), Ohio Adm. Code, Ohio Edison Company (Ohio Edison or the Company) respectfully requests an Entry rescheduling the evidentiary hearing for this case to Thursday, July 24, 2014, at 10:00 a.m. Good cause exists for granting this motion, which is explained below.

On July 5, 2013, the Complainants filed their complaint in this case against Respondents. On August 5, 2013, Respondents filed their joint answer in response to the complaint. By Entry dated June 5, 2014, the Attorney Examiner scheduled the evidentiary hearing in this matter for July 2, 2014. Entry at 2. On June 18, 2014, Ohio Edison filed notices to take the depositions of both Complainants on June 26, 2014.

On June 19, 2014, citing various prior personal and professional commitments, Complainants contacted counsel for Ohio Edison by phone, represented that they are unable to attend both their respective depositions and the evidentiary hearing, and requested that each be rescheduled. Subsequently, counsel for the Respondents and the Complainants agreed to

reschedule the evidentiary hearing to Thursday, July 24, 2014, at 10:00 a.m. The Commission routinely grants motions to reschedule where the parties agree. *See, e.g., In re the Complaint of SUBS 4 U, LLC v. Duke Energy of Ohio, Inc.*, Case No. 12-1951-EL-CSS, Entry (Aug. 15, 2012); and *In re the Complaint of Cincinnati Dental Care, v. Duke Energy Ohio, Inc.*, Entry (Aug. 17, 2012). It should do so here, as well.

Additionally, counsel for Ohio Edison and the Complainants agree that Ohio Edison shall take the depositions of each Mr. Spooner and Ms. Bias on July 2, 2014. Therefore, in accordance with Ohio Adm. Code 4901-1-21(A), please take notice that Ohio Edison will take the depositions of each Pete Spooner and Cindy J. Bias (Deponents). The deposition will be taken by a person authorized to administer oaths in the place where the depositions are taken. The depositions will commence on July 2, 2014, at 1:00 p.m., will begin with the deposition of Mr. Spooner, and will be immediately followed by the deposition of Ms. Bias. The depositions will be taken at the offices of Huntley Reporting Services, 912 Perry Street, Sandusky, Ohio 44870, and will continue until completed.

In accordance with Ohio Adm. Code 4901-1-21(E) and 4901-1-20, Deponents are directed to produce at the time of their depositions the following documents:

1. All documents that Complainants intend to introduce, present, or rely upon at hearing.
2. All documents that Complainants used or relied upon in preparing their Complaint in this proceeding.
3. Documentation (including but not limited to leases, utility bills, tax documents, or government-issued identifications) demonstrating the Complainants' respective place or places of residence on December 31, 2013, on January 28, 2014, and at present.

If either Deponent fails to appear for their deposition or fails to produce the requested documents, Ohio Edison may seek dismissal of the Complaint with prejudice.

For the foregoing reasons, Ohio Edison respectfully requests that the Commission grant the motion to continue the evidentiary hearing to Thursday, July 24, 2014, at 10:00 a.m.

Dated: June 25, 2014

Respectfully submitted,

/s/ Mark A. Whitt

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(Counsel are willing to accept service by email)

ATTORNEYS FOR

OHIO EDISON COMPANY

**CERTIFICATE OF SERVICE**

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

FirstEnergy Solutions

I hereby certify that a copy of the foregoing Motion and Notice of Deposition was served by overnight mail to the following persons this 25th day of June 2014:

Pete Spooner and Cindy J. Bias  
10800 Humm Rd.  
Berlin Heights, Ohio 44814

*-and-*

920 W. 55th Ave.  
Merrillville, Indiana 46410

/s/ Gregory L. Williams  
One of the Attorneys for  
Ohio Edison Company

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

**Commission of Ohio Docketing Information System on**

**6/25/2014 2:49:04 PM**

**in**

**Case No(s). 13-1583-EL-CSS**

Summary: Motion to Continue the Evidentiary Hearing and Notice to Take the Depositions of the Complainants electronically filed by Mr. Gregory L. Williams on behalf of Ohio Edison Company