

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

James L. Griffith,)	Case No.: 13-1956-EL-CSS
)	
Complainant,)	<u>MOTION TO CONTINUE</u>
)	<u>HEARING AND REQUEST FOR</u>
vs.)	<u>EXPEDITED RULING</u>
)	
Ohio Edison Company,)	
)	
Respondent.)	Emily Ciecka Wilcheck (0077895)
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)	and
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)	
)	<i>Attorneys for Respondent,</i>
)	<i>Ohio Edison Company</i>

Pursuant to Rules 4901-1-12 and 4901-1-13 of the Ohio Administrative Code,
Respondent Ohio Edison Company respectfully requests a continuance of the July 29, 2014

hearing scheduled for 10:00 a.m. to allow for time for Complainant to be deposed prior to the hearing should Complainant's Complaint not be dismissed. Respondent further respectfully requests an expedited ruling on this Motion to Continue.

The hearing in this matter is scheduled for July 29, 2014 on Complainant's claim against Respondent for allegedly leaving a "mess" after performing vegetation management activities on his property. Since the Complaint has been filed, Respondent has re-visited Complainant's property and conducted further work in an attempt to satisfy Complainant's concerns. Because Respondent has conducted further work, it does not have any idea what concerns, if any, of Complainant remain. Without such information, Respondent cannot fully prepare or evaluate its defense for the hearing currently scheduled for July 29, 2014.

Respondent, Ohio Edison Company filed a Motion to Compel Complainant's Deposition and Motion to Dismiss on June 19, 2014 requesting in part that Complainant, James Griffith, be compelled to appear for a deposition in this case. Alternatively, Respondent moved to dismiss Complainant's Complaint for failure to state reasonable grounds for relief. The parties are awaiting a ruling on that Motion. In the event that the Commission issues an Order compelling Complainant's deposition rather than dismissal of this case, the parties will need time to schedule such deposition in advance of a hearing and for Respondent to submit appropriate expert testimony addressing Complainant's current claims, whatever they may be. The current hearing date does not allow for such time.

In the event that the Commission issues an Order dismissing Complainant's Complaint, the hearing date and this Motion to Continue will be moot.

Therefore, Respondent, Ohio Edison Company respectfully requests that the Attorney Examiner grant its request for a continuance of the July 29, 2014 hearing scheduled for 10:00

a.m. to allow time for the Commission to rule on Respondent's Motion to Compel Complainant's Deposition and Motion to Dismiss and for Respondent to conduct the deposition of Complainant in advance of such hearing in the event that such deposition is compelled and the matter is not dismissed.

Respectfully submitted,

/s/ Emily Ciecka Wilcheck

Emily Ciecka Wilcheck (0077895)

Denise M. Hasbrook (0004798)

Carrie M. Dunn (0076952)

*Attorneys for Respondent,
The Ohio Edison Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ordinary U.S. Mail this 16th day of July, 2014 and that the PUCO's e-filing system will electronically serve notice of filing of this document on the following parties:

James L. Griffith
23541 Route 30
Minerva, OH 44657
Complainant

Respectfully submitted,

/s/ Emily Ciecka Wilcheck
Emily Ciecka Wilcheck (0077895)
Denise M. Hasbrook (0004798)
Carrie M. Dunn (0076952)

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-1956-EL-CSS

Summary: Motion to Continue Hearing and Request for Expedited Ruling electronically filed by Mrs. Emily C. Wilcheck on behalf of Ohio Edison Company