

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Jacob Schad, Jr.)	
)	
Complainant,)	
)	
vs.)	Case No. 10-790-EL-CSS
)	
Ohio Edison Company)	
)	
Respondent.)	

MOTION FOR TELEPHONIC STATUS CONFERENCE, CONTINUANCE OF MAY 27
HEARING AND REQUEST FOR EXPEDITED RULING

Pursuant to Rule 4901-1-12, Ohio Administrative Code (“O.A.C.”) Respondent Ohio Edison Company (collectively, “Ohio Edison”) respectfully requests a telephonic status conference the week of May 11, 2015 a continuance of the May 27, 2015 hearing and expedited ruling of this request. As discussed below, a telephonic status conference to determine Complainant Jacob Schad, Jr.’s (“Complainant”) intent to proceed with this case will prevent both the Commission and Ohio Edison from expending resources that may not be necessary. Moreover, if Complainant affirmatively indicates that he wishes to move forward with this case, a continuance is warranted as additional time is needed to conduct discovery and prepare written testimony in this case.

Rule 4901-1-12(F), O.A.C. 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.

This case has been continued and stayed on several occasions. For example, on November 26, 2013, the Parties filed a motion to continue the hearing in the case, which was granted to February 25, 2014. On February 14, 2014, the Parties requested a stay of this case and also a continuance to allow the Commission to rule on the *Corrigan* case, which was granted on February 18, 2014. However, since then, the *Corrigan* Opinion and Order was issued on March 26, 2014 and on May 14, 2014 rehearing was denied. On April 9, 2014, counsel for Ohio Edison contacted Complainant's counsel via email, advised him of the *Corrigan* decision, and requested an update on Complainant's case to proceed with this case. No response was given. Moreover, since then, Complainant has made no effort to contact counsel for Ohio Edison or this Commission to advise as to whether or not he intends to proceed with this case.

On April 21, 2015, the Attorney Examiner issued an entry scheduling this case for a hearing on May 27, 2015. Counsel for Ohio Edison contacted Complainant's counsel both via email and telephone requesting an update on whether or not Complainant intends to proceed with this case. On May 5, 2015, counsel for Ohio Edison received a message from Complainant's counsel stating that he did not have an answer from his client yet.

Because Ohio Edison does not know whether Complainant wishes to proceed with this case, Ohio Edison is requesting that a telephonic status conference be set for the week of May 11, 2015 so that Complainant can advise the Attorney Examiner and Ohio Edison whether he wishes to pursue his complaint. If the Complainant does wish to proceed, Ohio Edison requests a continuance of the hearing date to a mutually convenient time and date. If Complainant does not attend the telephonic status conference, Complainant will seek a dismissal of this case without prejudice. Lastly, expedited ruling on this motion will not adversely affect a substantial

right of Complainant as the Companies are merely seeking a status update and continuance if necessary.

Therefore, the Parties respectfully requests that the Attorney Examiner grant their request for a telephonic status conference, a continuance of the May 27, 2015 hearing and expedited ruling of this request.

Respectfully submitted,

/s/ Carrie M. Dunn

Carrie M. Dunn (#0076952)

Attorney

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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing was electronically filed on the Commission's Docketing Information System and is available to all interested parties. A copy of the foregoing was also served to the following via electronic mail and U.S. Mail:

O. Joseph Murray
10 East Main Street
Ashland, Ohio 44805

/s/ Carrie M. Dunn

Carrie M. Dunn

Attorney

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 10-0790-EL-CSS

Summary: Motion for Telephonic Status Conference, Continuance of May 27 Hearing and Request for Expedited Ruling electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company