BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|---|---|---|
| In the Matter of the Complaint of | ) | |
| DOMINION RETAIL, INC. | ) | |
| | ) | |
| Against | ) | |
| | ) | |
| Ohio Edison Company, The Cleveland Electric | ) | Case No. 00- 2526-EL-CSS |
| Illuminating Company and The Toledo Edison | ) | |
| Company | ) | |
| | ) | |
| for Refusal to Permit Participation | ) | |
| in the Market Support Generation Program | ) | |

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## MOTION OF DOMINION RETAIL, INC. TO DISMISS COMPLAINT

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Now comes Dominion Retail, Inc. by and through its attorney and moves to dismiss this

Complaint without prejudice. The reasons for this motion are set forth in more detail in the

Memorandum in Support.

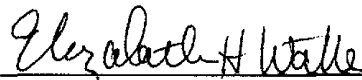## MEMORANDUM IN SUPPORT

Since the fall of 2001, Dominion Retail, Inc. has attempted in good faith to participate in FirstEnergy Corp.'s Market Support Generation program, but has been unsuccessful to date. It appears that a timely resolution of the issues raised in its complaint will not be forthcoming. Therefore, continuing efforts in this regard are not in the best interest of Dominion Retail, Inc.'s customers. For these reasons, Dominion Retail, Inc. hereby moves to dismiss its Complaint without prejudice.

Respectfully submitted,

Sally W. Bloomfield
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Amy Straker Bartemes
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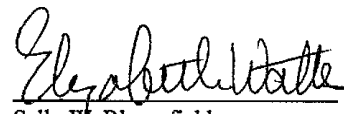sbloomfield@bricker.com
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## CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing Complainant's Motion to Dismiss was served upon the following by regular mail, this 15th day of May, 2001:

> Arthur E. Korkosz
> FirstEnergy Corp.
> 76 South Main Street
> Akron, Ohio 44308
>
> James Burk
> FirstEnergy Corp.
> 76 South Main Street
> Akron, Ohio 44308
>
> Gregory K. Lawrence
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Sally W. Bloomfield