

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of L.S. Realty)
 Development, Ltd.,)
)
 Complainant,)
)
 v.)
)
 The Ohio Edison Company,)
)
 Respondent.)

Case No. 06-442-EL-CSS

ENTRY

The Commission finds:

- (1) On March 17, 2006, Carl Avers filed a complaint alleging that The Ohio Edison Company (OE) improperly recorded the electric consumption of L.S. Realty Development, Ltd. (LS).
- (2) By entry of March 27, 2006, a prehearing settlement conference was scheduled for April 20, 2006. The entry also noted that corporations must be represented by an attorney at law, pursuant to Rule 4901-1-08(A), Ohio Administrative Code.
- (3) Prior to the April 20, 2006 prehearing conference, Mr. Ayers requested that the prehearing conference be continued. The examiner agreed to continue the prehearing conference and directed Mr. Ayers and OE to advise the examiner as to dates on which the prehearing conference could be rescheduled. Subsequent to the prehearing, OE filed an answer to the complaint and advised the examiner on possible dates for the rescheduled prehearing conference; however, Mr. Ayers did not.
- (4) By entry of May 9, 2006, Mr. Ayers was directed to file a statement in this docket identifying dates on which he would attend a prehearing conference and indicate whether LS is a corporation licensed to do business in Ohio. The entry also advised the complainant that failure to make such a filing would be grounds for dismissal of the complaint.

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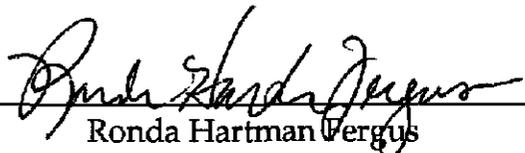
- (5) Subsequent to the May 9, 2006 entry, the examiner learned that LS was represented by legal counsel who confirmed that he represented LS, he did not represent Mr. Ayers, and that Mr. Ayers was not authorized to file the complaint on behalf of LS. The examiner directed LS's counsel to file a notice of appearance in this docket and indicate whether LS wanted to go forward with the complaint.
- (6) By entry of January 23, 2007, counsel for LS was directed to file a notice of appearance in this docket by February 5, 2007. The January 23, 2007 entry also noted that failure to file such notice would result in a recommendation to the Commission that the complaint be dismissed for lack of prosecution.
- (7) To date, counsel for LS has failed to file a notice of appearance in this docket or indicate to the examiner that LS seeks to move forward with the complaint. Accordingly, the complaint filed in this case should be dismissed for lack of prosecution.

It is, therefore,

ORDERED, That the complaint be dismissed and that a copy of this entry be served upon all parties of record and counsel for LS.

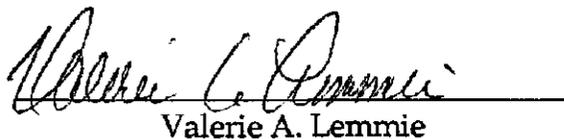
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

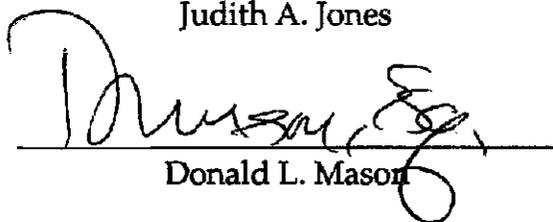


Ronda Hartman Fergus

Judith A. Jones



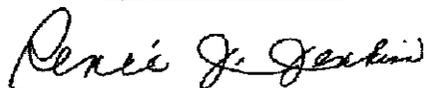
Valerie A. Lemmie



Donald L. Mason

SEF:ct

Entered in the Journal
FEB 28 2007



Renee J. Jenkins
Secretary