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**FirstEnergy**

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76 South Main Street  
Akron, Ohio 44308

Kathy J. Kolich  
Senior Attorney

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330-384-4580  
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*Via Federal Express*

March 16, 2007

Ms. Renee J. Jenkins  
Director, Administration Department  
Secretary to the Commission  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

Dear Ms. Jenkins:

**Re:   *Motion to Dismiss and Memorandum in Support  
FirstEnergy Services Group, LLC  
v. Akron Thermal, Limited Partnership  
Case No. 05-393-HT-CSS***

Enclosed for filing, please find the original and twelve (12) copies of the *Motion to Dismiss and Memorandum in Support* regarding the above-referenced case. Please file the enclosed *Motion*, time-stamping the two extras and returning them to me in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

*Kathy J. Kolich*

kag

Enclosures

cc:   Parties of Record

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Technician *[Signature]* Date Processed *3-19-07*

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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

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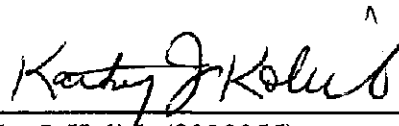
FirstEnergy Services Group, LLC, )  
Complainant, )  
vs. )  
Akron Thermal, Limited Partnership, )  
Respondent. )

CASE NO. 05-393-HT-CSS

**FIRSTENERGY SERVICES GROUP MOTION TO DISMISS  
AND MEMORANDUM IN SUPPORT**

Complainant, FirstEnergy Services Group, LLC ("FESG"), moves this honorable Commission to dismiss the Complaint filed in the above referenced matter without prejudice. FESG and Respondent, Akron Thermal Limited Partnership, are in negotiations to resolve all outstanding differences. Inasmuch as success appears likely, FESG asks that this complaint, which has been pending for almost two years, be dismissed, with the understanding that FESG does not waive its rights to refile if the aforesaid negotiations fail. Respondent's counsel has indicated that he does not oppose this motion. Accordingly, Complainant asks that the matter be dismissed without prejudice.

Respectfully submitted,

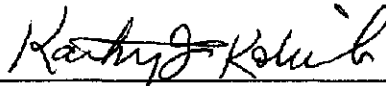


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On behalf of FirstEnergy Service Group, LLC

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that on this 16<sup>th</sup> day of March, 2007, a copy of the foregoing Motion to Dismiss and Memorandum in Support of FirstEnergy Service Group, LLC was served by regular U.S. Mail, postage prepaid, upon Stephen M. Howard, Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, P.O. Box 1008, Columbus, OH 43216-1008.



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Kathy J. Kolich, Attorney