

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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PUCO

In the Matter of the Application of Akron Thermal, Limited Partnership for Authority to Issue Three (3) Promissory Long-Term Notes.))))	Case No. 09-414-HT-AIS
In the Matter of the Application of Akron Thermal, Limited Partnership for an Emergency Increase in its Rates and Charges for Steam and Hot Water Service.))))	Case No. 09-453-HT-AEM
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of Revised Tariffs.))))	Case No. 09-315-HT-ATA
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of an Arrangement with an Existing Customer.))))	Case No. 09-441-HT-AEC
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of a Modification to an Existing Arrangement.))))	Case No. 09-442-HC-AEC

**MOTION FOR EXPEDITED DISCOVERY
AND
FOR AN EXPEDITED RULING**

Max Rothal (No. 0009431)
Director of Law
Cheri B. Cunningham (No.0009433)
Assistant Director of Law
161 S. High Street, Suite 202
Akron, OH 44308
Telephone: (330) 375-2030
Telecopier: (330) 375-2041
Cunnich@ci.akron.oh.us

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Samuel C. Randazzo (Counsel of Record)
Gretchen J. Hummel
Lisa G. McAlister
Joseph M. Clark
McNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
ghummel@mwncmh.com
lmcaster@mwncmh.com
jclark@mwncmh.com

June 19, 2009

Attorneys for the City of Akron

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**MOTION FOR EXPEDITED DISCOVERY
AND
FOR AN EXPEDITED RULING**

The City of Akron ("Akron") hereby respectfully moves that the Public Utilities Commission of Ohio ("PUCO" or "Commission"), pursuant to Rules 4901-1-17(G), 4901-1-19(A), and 4901-1-20(C), Ohio Administrative Code ("O.A.C."), require that responses to discovery in these proceedings be made within seven (7) days of service of the discovery request. Additionally, pursuant to Rule 4901-1-12(C), O.A.C., Akron respectfully requests an expedited ruling on this motion. The reasons for the requests are set forth in the attached Memorandum In Support.

Respectfully submitted,

Max Rothal (No. 0009431)
Director of Law
Cheri B. Cunningham (No.0009433)
Assistant Director of Law
161 S. High Street, Suite 202
Akron, OH 44308
Telephone: (330) 375-2030
Telecopier: (330) 375-2041
Cunnich@ci.akron.oh.us

A handwritten signature in black ink, appearing to read "S. C. Randazzo", written over a horizontal line.

Samuel C. Randazzo (Counsel of Record)
Gretchen J. Hummel
Lisa G. McAlister
Joseph M. Clark
MCNEES WALLACE & NURICK LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
ghummel@mwncmh.com
lmcaster@mwncmh.com
jclark@mwncmh.com

Attorneys for the City of Akron

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MEMORANDUM IN SUPPORT

On June 17, 2009, the Commission issued an Entry ("Procedural Entry") in which it, *inter alia*, consolidated these proceedings, established a July 7, 2009 due date for expert testimony, and a hearing date of July 15, 2009. Even if a party to these proceedings served discovery on the same day as the Procedural Entry was issued, the twenty-day response time for discovery found in Rules 4901-1-17(G), 4901-1-19(A), and 4901-1-20(C), O.A.C., falls on the same day expert testimony must be filed. Accordingly, Akron respectfully requests that the Commission require that the party upon whom discovery has been served in these proceedings shall serve responses within seven (7) days of service. Additionally, and also because of the abbreviated

procedural schedule, Akron respectfully requests that the Commission issue an expedited ruling on this motion pursuant Rule 4901-1-12(C), O.A.C.

As required by Rule 4901-1-12(C), O.A.C., Counsel for Akron has contacted counsel for the parties in these cases regarding the request for an expedited ruling on this motion. Counsel Royer for Akron Thermal, Limited Partnership, does not object to the expedited ruling.¹ Counsel Conway for Children's Hospital Medical Center of Akron and Counsel Breitschwerdt for Canal Place, LTD., object to neither the expedited discovery response time nor the expedited ruling requested.

Finally, Rule 4901-1-05(C)(4), O.A.C., provides that "[s]ervice of a document by electronic message to an attorney or party may be made only if the person to be served has consented to receive service of the document by electronic message." Rule 4901-1-03(A), O.A.C., says, in pertinent part, that "[t]he party making a filing should include a facsimile transmission number and/or an electronic message (e-mail) address if the party is willing to accept service of pleadings by facsimile transmission or e-mail." Counsel for all parties except for Canal Place, LTD. included an e-mail address in their motions to intervene in these proceedings. Counsel Breitschwerdt for Canal Place, LTD. has consented to electronic service in these proceedings. Therefore, service to all current parties in these proceedings may be made electronically.

For the foregoing reasons, Akron respectfully requests that the Commission grant its Motion for Expedited Discovery and for an Expedited Ruling.

Respectfully submitted,

Max Rothal (No. 0009431)
Director of Law
Cheri B. Cunningham (No.0009433)

¹ Counsel Howard for Akron Thermal, Limited Partnership, is out of the office and cannot be reached this week.

Assistant Director of Law
161 S. High Street, Suite 202
Akron, OH 44308
Telephone: (330) 375-2030
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MCNEES WALLACE & NURICK LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
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ghummel@mwncmh.com
sam@mwncmh.com
lmcaster@mwncmh.com
jclark@mwncmh.com

Attorneys for the City of Akron

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Expedited Discovery and for an Expedited Ruling* was served upon the following parties of record this 19th day of June 2009, via hand-delivery, electronic transmission or first class mail, postage prepaid.



Lisa G. McAlister

Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
smhoward@vssp.com

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927
barthroyer@aol.com

Attorneys for Akron Thermal, Limited Partnership

Daniel R. Conway (Counsel of Record)
Porter Wright Morris & Arthur LLP
41 South High Street
Columbus, OH 43215
dconway@porterwright.com

Attorney for Children's Hospital Medical Center of Akron

Glenn S. Krassen
Bricker & Eckler LLP
1375 East Ninth Street, Suite 1500
Cleveland OH 44114
gkrassen@bricker.com

E. Brett Breitschwerdt
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus OH 43215
BBreitschwerdt@bricker.com

Attorneys for Canal Place, LTD

Linda Murphy
Attorney for the County of Summit
Executives' Office
175 S. Main Street, 8th Floor
Akron, OH 44308
LMurphy@Summitoh.net

Attorney for County of Summit

Thomas McNamee
Sarah Parrot
Attorney General's Section
Public Utilities Commission of Ohio
180 E. Broad St., 9th Floor
Columbus, OH 43215
thomas.mcnamee@puc.state.oh.us
Sarah.parrot@puc.state.oh.us

On Behalf of the Public Utilities Commission of Ohio