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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

CHARLES F. CARR,)
)
 Complainant,)
)
 v.)
)
 TOLEDO EDISON COMPANY,)
)
 Respondent.)

Case No. 09-864-EL-CSS

**MOTION TO WITHDRAW SECOND-FILED ANSWER
AND MEMORANDUM IN SUPPORT (EXPEDITED RULING REQUESTED)**

Pursuant to Rule 4901-1-12, Ohio Administrative Code, and other applicable law, Respondent Toledo Edison Company ("Toledo Edison") hereby requests that the Answer it filed on October 27, 2009 be withdrawn from the record. Due to an internal administrative error, Toledo Edison has filed two answers in this case, and Toledo Edison wishes to withdraw the second-filed answer.¹

On October 15, 2009, Toledo Edison timely filed its operative Answer in this case. On October 27, 2009, due to an internal administrative error prompted by Complainant's letter to the Commission dated October 26, Toledo Edison filed a second answer by facsimile. A hard copy of the second answer was docketed with the Commission on October 28, 2009.

Toledo Edison requests that the second answer be withdrawn. Because withdrawal of the second answer is necessary to alleviate confusion in the record, this request is reasonable. Moreover, there will be no prejudice to Complainant as a result of this withdrawal. If this

¹ Pursuant to Rule 4901-1-12(C), Toledo Edison hereby requests an expedited ruling on this motion. On November 9, 2009, counsel for Toledo Edison discussed this matter by telephone with Complainant Charles Carr, who confirmed that he did not object to withdrawal of Toledo Edison's second-filed answer.

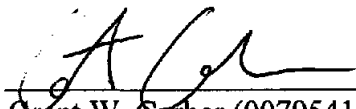
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Motion is granted, Toledo Edison's first-filed Answer will remain the operative responsive pleading in the case.

For these reasons, Toledo Edison respectfully requests that its second-filed answer be withdrawn.

DATED: November 9, 2009

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT
TOLEDO EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Withdraw Second-Filed Answer and Memorandum in Support was sent by first class U.S. mail, postage prepaid, to the following person this 9th day of November, 2009:

Charles F. Carr
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Port Clinton, Ohio 43452-9178



Grant W. Garber
An Attorney for Respondent