

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Forest Hills)	
Supermarket, Inc., dba Konnis Family Foods,)	
)	
Complainant,)	
)	
v.)	Case No. 09-800-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 14, 2009, Forest Hills Supermarket, Inc., dba Konnis Family Foods (complainant) filed a complaint against The Cleveland Electric Illuminating Company (CEI), alleging that, after a power loss in the surrounding area not affecting the complainant, CEI improperly shut off complainant's power, without notice, resulting in a loss of refrigerated items.
- (2) On April 20, 2010, CEI filed a motion to compel discovery. Specifically, CEI states that it served interrogatories and requests for production upon complainant on February 3, 2010, but, as of the date of the motion to compel, has received no response from complainant. In addition to the initial discovery requests, CEI avers that it sent a letter to complainant on March 31, 2010, requesting responses by April 9, 2010. CEI did not receive a response to its letter. Complainant has not filed a memorandum contra CEI's motion to compel.
- (3) Pursuant to Rules 4901-1-19 and 4901-1-20, Ohio Administrative Code, the party on whom interrogatories and requests for production have been served shall serve a copy of the answers or objections upon the party submitting the interrogatories and all other parties within twenty days after service. Accordingly, the attorney examiner finds that complainant shall provide CEI with a response to its interrogatories and requests for production by May 17, 2010.

It is, therefore,

ORDERED, That CEI's motion to compel be granted. It is, further,

ORDERED, That complainant provide responses to CEI's interrogatories and requests for production by May 17, 2010. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

grg
/dah

Entered in the Journal

MAY 10 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary