

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Helen)	
Ford and Donald R. Ford,)	
)	
Complainants,)	
)	
v.)	Case No. 09-902-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Settlement conferences have been rescheduled in this case on five different occasions, December 10, 2009, January 8, 2010, March 11, 2010, May 24, 2010, and June 18, 2010.
- (2) The December 10, 2009, and January 8, 2010, settlement conferences were continued at the request of Helen Ford and Donald R. Ford (complainants) because they were worried about road conditions on the scheduled conference dates and did not want to make the drive to the Commission's offices in bad weather.
- (3) A settlement conference was convened in this matter on March 11, 2010. Ohio Edison Company (Ohio Edison or company) was present at the conference. However, complainants did not appear for the proceeding.
- (4) Subsequently, Mr. Ford contacted the attorney examiner and stated that he was delayed in his job as a truck driver, and was unable to arrive at the Commission's offices in time for the settlement conference.
- (5) By entry dated March 23, 2010, the settlement conference was continued until May 24, 2010.
- (6) The May 24, 2010, settlement conference was not convened. Instead, on May 24, 2010, the parties conducted a telephone

conference call with an attorney examiner from the Commission's Legal Department. During the conference call, counsel for Ohio Edison stated that the company had no objections to a continuance of the settlement conference and that a decision from the company regarding settlement was close at hand. Moreover, at that time, Mr. Ford stated that he could not appear for the May 24, 2010, settlement conference because of his job, an out-of-town trucking assignment.

- (7) Thereafter, in light of the communication between the parties, as evidenced by the May 24, 2010, conference call, and the information conveyed during the call that at least some efforts at settlement were underway, the attorney examiner issued an entry on June 1, 2010, scheduling a settlement conference for the fifth time, on June 18, 2010.
- (8) On the June 18, 2010, settlement conference date, counsel for Ohio Edison informed the attorney examiner that complainants and the company had reached a settlement and that a joint motion to dismiss would be forthcoming in the near future. Accordingly, the attorney examiner assigned to preside at the settlement conference was notified of the expected settlement between the parties, and the June 18, 2010, settlement conference was canceled pending the submission by the parties of a joint motion to dismiss.
- (9) On August 10, 2010, counsel for Ohio Edison notified the attorney examiner that, after reaching a verbal settlement, complainants have not responded to his communications regarding the paperwork necessary to finalize the settlement and formally resolve the case.
- (10) In an effort to move this case forward, a settlement conference should be rescheduled for yet a sixth time, on September 30, 2010, at 2:00 p.m., in the offices of the Commission, Conference Room 1246, 12th floor, 180 East Broad Street, Columbus, Ohio 43215.
- (11) Given the length of time this case has been pending and the number of times a settlement conference has been scheduled, complainants should either return to the company the paperwork necessary to finalize the settlement and formally resolve the case, or attend the September 30, 2010, settlement

conference and proceed with the Commission's complaint process.

- (12) Absent a *finalized settlement* of the complaint, or extraordinary circumstances, failure to attend the rescheduled settlement conference will result in a recommendation that the Commission dismiss the case for lack of prosecution. Further, a work-related reason for not attending the September 30, 2010, settlement conference, and requesting another continuance of the conference date, will not be considered an extraordinary circumstance.

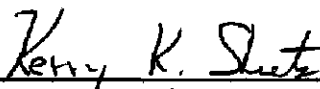
It is, therefore,

ORDERED, That the settlement conference in this case be rescheduled in accordance with Finding (10). It is, further,

ORDERED That this case proceed under the terms set forth in Findings (11) and (12). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Kerry K. Sheets
Attorney Examiner


/vrm

Entered in the Journal **AUG 17 2010**



Renee J. Jenkins
Secretary