

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
H.M.T., Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 10-159-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company dba The Illuminating)	
Company and FirstEnergy Corp.,)	
)	
Respondents.)	

ENTRY

The attorney examiner finds:

- (1) On February 10, 2010, H.M.T., Inc. (H.M.T.) filed a complaint against The Cleveland Electric Illuminating Company dba The Illuminating Company and FirstEnergy Corp. (collectively "respondents") alleging that respondents eliminated, without notice, the process heat rate, nights and weekends rate, and an off peak rate under which H.M.T. had been charged for electricity. H.M.T. claims that the elimination of these rates has created a substantial and dramatic increase in its electricity costs, has been detrimental to H.M.T.'s business, and is unjust, unreasonable, unjustly discriminatory, and in violation of Sections 4905.22 and 4905.26, Revised Code.
- (2) On March 3, 2010, respondents filed an answer denying the material allegations of the complaint.
- (3) A prehearing settlement conference was held on April 13, 2010, however, the parties were unable to settle this matter at that time and requested additional time prior to the scheduling of a hearing.

- (4) Subsequent to the settlement conference, the attorney examiner directed the parties to provide periodic status reports on this matter. On October 29, 2010, counsel for H.M.T. advised the attorney examiner that his client "is unable to pursue these matters any further." In an effort to move this matter forward, H.M.T. is directed to file by December 3, 2010, either a statement indicating that it is proceeding with its complaint and identifying prospective hearing dates or a statement indicating that it is dismissing its complaint. Absent such a filing the attorney examiner will recommend that the Commission dismiss this complaint.

It is, therefore,

ORDERED, That H.M.T. file a statement in accordance with this entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

jej/sc

Entered in the Journal

NOV 23 2010



Renee J. Jenkins
Secretary