

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 Commission finds:

- (1) On February 10, 2010, H.M.T., Inc. (HMT) 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 HMT had been charged for electricity. HMT claims that the elimination of these rates unjustly increased its electricity costs 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 HMT advised the attorney examiner that his client is unable to pursue these matters any further.

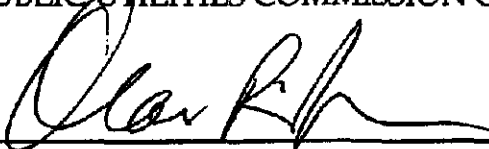
- (5) By entry of November 23, 2010, HMT was directed to file a statement by December 3, 2010, indicating either that it is proceeding with its complaint and identifying prospective hearing dates or that it is dismissing its complaint. The entry also indicated that, absent such a filing, the attorney examiner would recommend that the Commission dismiss this complaint.
- (6) To date, HMT has failed to file a statement in accordance with the November 23, 2010 entry. Accordingly, this case should be dismissed for failure to prosecute.

It is, therefore,

ORDERED, That HMT's complaint is dismissed. It is, further,

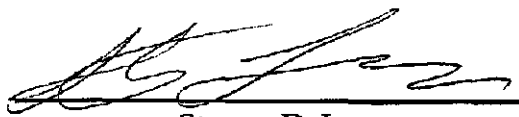
ORDERED, That a copy of this entry be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Valerie A. Lemmie

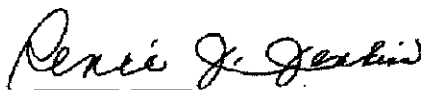

Steven D. Lesser


Cheryl L. Roberto

SEF/sc

Entered in the Journal

DEC 21 2010



Renee J. Jenkins
Secretary