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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of :
Rosemont Realty LLC, :
Complainant, :
v. :
Woodbran Realty Corporation, :
Respondent. :

Case No. 11-4943-ST-CSS

JOINT MOTION TO DISMISS

Pursuant to Rule 4901-1-16, Ohio Administrative Code, Rosemont Realty LCC ("Rosemont") and Woodbran Realty Corporation ("Woodbran"), by their respective undersigned counsel, hereby jointly move for an order dismissing the above-captioned complaint on the ground that the complaint is now moot for the reasons set forth in the accompanying memorandum in support.

WHEREFORE, Rosemont and Woodbran respectfully request that their motion be granted.

Respectfully submitted,



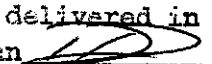
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	:	
Respondent.	:	

MEMORANDUM IN SUPPORT
OF
JOINT MOTION TO DISMISS

By its Complaint and Request for Emergency Relief (“Complaint”) filed herein on September 2, 2011, Rosemont Realty LLC (“Rosemont”) sought an order from this Commission prohibiting Woodbran Realty Corporation (“Woodbran”) from disconnecting sanitary sewer service to Orangewood Place, a Beachwood, Ohio office building managed by Rosemont, pursuant to a disconnection notice served by Woodbran on August 31, 2011. As grounds for disconnection, Woodbran’s notice cited the results of certain tests indicating that sewage discharged from Orangewood Place contained levels of low level mercury, which, according to Woodbran, were inconsistent with the type of sewage specified in the application for sewage disposal service to Orangewood Place.¹ The discharge of sewage of a type not specified in the application for service represents grounds for disconnection with twenty-four hours advance written notice under Section 3(A), Paragraph 12.B.i. of Woodbran’s tariff, P.U.C.O. No. 4.

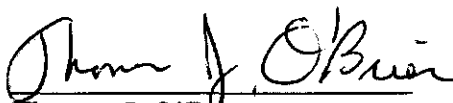
¹ See Complaint, Exhibit 1.

Thus, the disconnection notice stated that service would be disconnected at approximately 10:00 a.m. on September 6, 2011.

Woodbran subsequently advised Rosemont that it would not proceed with the disconnection as scheduled, and by letter dated September 26, 2011, formally rescinded and withdrew the notice of disconnection. Accordingly, the Complaint is now moot and should be dismissed by the Commission.

WHEREFORE, Rosemont and Woodbran respectfully request that the foregoing motion be granted.

Respectfully submitted,



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AUTHORIZATION

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