

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of The K&D)	
Group, Inc. and Reserve Apartments, LTD,)	
)	
Complainants,)	
)	
v.)	Case No. 11-898-HT-CSS
)	
Cleveland Thermal Steam Distribution, LLC,)	
)	
Respondent.)	

ENTRY ON REHEARING

The Commission finds:

- (1) On February 18, 2011, The K&D Group, Inc. (K&D) and Reserve Apartments, LTD, filed a complaint against Cleveland Thermal Steam Distribution, LLC (Cleveland Thermal). On March 1, 2011, Cleveland Thermal filed its answer.
- (2) On May 11, 2011, Cleveland Thermal filed a motion to dismiss, arguing that K&D's complaint failed to state reasonable grounds as required by Section 4905.26, Revised Code. On May 31, 2011, K&D filed an opposition to Cleveland Thermal's motion to dismiss, to which Cleveland Thermal replied on June 9, 2011.
- (3) By entry issued on May 30, 2012, the Commission granted Cleveland Thermal's motion to dismiss K&D's complaint on the basis that K&D failed to set forth reasonable grounds for complaint as required by Section 4905.26, Revised Code.
- (4) On June 29, 2012, K&D filed an application for rehearing of the Commission's May 30, 2012, entry granting Cleveland Thermal's motion to dismiss.
- (5) Thereafter, on July 2, 2012, Cleveland Thermal filed a motion for an extension of the ten-day time period set forth in Rule 4901-1-35, Ohio Administrative Code, for filing a memorandum contra after the filing of an application for rehearing. By entry issued on July 3, 2012, the attorney examiner granted Cleveland Thermal's motion.

- (6) Section 4903.10, Revised Code, provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.
- (7) The Commission finds that the application for rehearing filed by K&D should be granted for the limited purpose of allowing further consideration of the matters specified in the application for rehearing.

It is, therefore,

ORDERED, That the application for rehearing filed by K&D is granted for further consideration of the matters specified in the application for rehearing. It is, further,

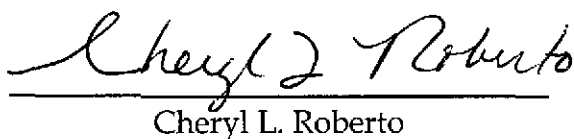
ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

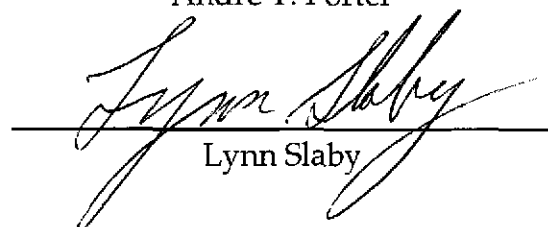
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Andre T. Porter

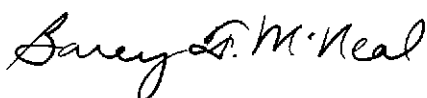

Cheryl L. Roberto


Lynn Slaby

MLW/sc

Entered in the Journal

JUL 18 2012



Barcy F. McNeal
Secretary