

PUBLIC UTILITIES COMMISSION OF OHIO

Lynne Gwynn,

Complainant,

v.

The Cleveland Electric Illuminating Company,

Respondent.

) Case No. 13-666-EL-CSS

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MOTION TO CONTINUE HEARING
AND REQUEST FOR EXPEDITED
RULING

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*Counsel for The Cleveland Electric
Illuminating Company*

Pursuant to Rule 4901-1-12 of the Ohio Administrative Code ("O.A.C."), Respondent The Cleveland Electric Illuminating Company respectfully requests a continuance of the May 1, 2013 settlement conference for the reason that Lead Counsel for The Cleveland Electric Illuminating Company is unavailable on that date.

Rule 4901-1-12(c), O.A.C. provides:

Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support. If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda. In all other situations, the party requesting an expedited ruling may first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued. If any party objects to the issuance of such a ruling, or if the moving party fails to certify that no party has any objection, any party may file a memorandum contra within seven days after the service of the motion, or such other period as the commission, the legal director, the deputy legal director, or the attorney examiner requires. No reply memoranda shall be filed in such cases unless specifically requested by the commission, the legal director, the deputy legal director, or the attorney examiner. (emphasis added).

Moreover, Rule 4901-1-12(F), O.A.C. provides:

Notwithstanding paragraphs (B) and (C) of this rule, the commission, the legal director, the deputy legal director, or the attorney examiner may, upon their own motion, issue an expedited ruling on any motion, with or without the filing of memoranda, where the issuance of such a ruling will not adversely affect a substantial right of any party.

This is the first request for a continuance of the settlement conference that The Cleveland Electric Illuminating Company has made in this case. The Cleveland Electric Illuminating Company is not requesting this continuance for purposes of delay but rather based upon the legitimate reason that its counsel is unavailable on that date.

Therefore, Respondent, The Cleveland Electric Illuminating Company respectfully requests that the Attorney Examiner grant its request for a continuance of the May 1, 2013 settlement conference scheduled at 10:00 a.m. and reschedule it upon the next date after

May 1, 2013 when the parties are mutually available.

Respectfully submitted,

/s/Emily Ciecka Wilcheck

Denise M. Hasbrook (0004798)

Emily Ciecka Wilcheck (0077895)

Carrie M. Dunn (0076952)

*Counsel for The Cleveland Illuminating
Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ordinary U.S. Mail and electronically, this 22nd day of April, 2013, to the following:

Lynne Gwynn
4494 Silverdale Rd.
North Olmsted, OH 44070

Respectfully submitted,

/s/Emily Ciecka Wilcheck

Denise M. Hasbrook (0004798)
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*Counsel for The Cleveland Electric
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Case No(s). 13-0666-EL-CSS

Summary: Motion to Continue Hearing and Request for Expedited Ruling electronically filed by Mrs. Emily C. Wilcheck on behalf of The Cleveland Electric Illuminating Company