

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

MICHELLE SIMS	)	
	)	
Complainant,	)	
	)	Case No. 13-1368-EL-CSS
v.	)	
	)	
OHIO EDISON COMPANY	)	
	)	
Respondent.	)	
	)	

**OHIO EDISON COMPANY’S MOTION TO DISMISS**

Pursuant to Rule 4901-9-01(F), Ohio Administrative Code, Ohio Edison Company (“Ohio Edison”) hereby moves to dismiss Complainant Michelle Sims’ Complaint against Ohio Edison, without prejudice per Ms. Sims’ request. Complainant alleges that Ohio Edison was attempting to transfer a debt to her account that she does not owe. Subsequently, Complainant filed bankruptcy in the United States Bankruptcy Court, Northern District of Ohio, Case No. 13-52809.

Counsel for Ohio Edison has spoken with Complainant Michelle Sims’ attorney who represents Ms. Sims in the pending bankruptcy matter. He advised counsel that Complainant would like to dismiss her Complaint without prejudice as the bankruptcy case may deem this Complaint moot or satisfied.

Under Rule 4901-9-01(F), Ohio Administrative Code, a public utility may file a motion asserting that a complaint has been satisfied. Complainant then has twenty (20) days to indicate whether he agrees or disagrees with the public utility’s assertion. *Id.* If a response is not timely filed, then the Commission may presume satisfaction and dismiss the complaint. *Id.*

Currently, a hearing is scheduled for this matter on January 16, 2014. In an abundance of caution, Ohio Edison contemporaneously is requesting a continuance of the hearing to allow for

consideration of this Motion. Nevertheless, as the complaint may be rendered moot by the bankruptcy, under Rule 4901-9-01(F), Ohio Edison requests that the Commission dismiss Complainant's complaint without prejudice per Ms. Sims request.

Respectfully submitted,

/s/ Carrie M. Dunn

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ATTORNEYS FOR RESPONDENT OHIO  
EDISON COMPANY

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was delivered to the following person by first class mail, postage prepaid, this 8th day of January, 2014:

Michelle Sims  
1172 Juneau Avenue  
Akron, Ohio 44320

/s/ Carrie M. Dunn  
An Attorney for Ohio Edison Company

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 13-1368-EL-CSS**

Summary: Motion to Dismiss electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company