

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Cincinnati Bell Telephone LLC,)	
)	
Complainant,)	Case No. 14-1576-TP-CSS
v.)	
)	
Village of Batavia, Ohio,)	
)	
Respondent.)	

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MOTION FOR A CONTINUANCE

I. Motion

Pursuant to Ohio Administrative Code 4901-1-13, the Village of Batavia, Ohio ("Batavia") requests a continuance of the due date for testimony, currently set for November 21, 2014 and the hearing currently scheduled in the above captioned proceeding on December 3, 2014. The reasons for this Motion are more fully set forth in the Memorandum in Support.

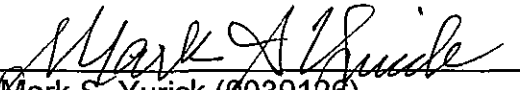
II. Memorandum in Support

As noted in the Attorney Examiners Entry of October 27, 2014, on September 9, 2014, Cincinnati Bell Telephone ("CBT") filed a Complaint pursuant to R.C. 4939.06 and R.C. 4905.26 regarding Batavia's Ordinance No. 1284-13, which governs various aspects of Batavia's rights of way. By Entry issued October 15, 2014, the Commission determined that CBT had provided reasonable grounds for Complaint and suspended the Ordinance during consideration of the Complaint. Also on October 15, 2014, the Attorney Examiner issued an Entry establishing a scheduling order for the Complaint to be

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decided within 120 days as set forth in R.C. 4939.06(A). On October 23, 2014, Batavia sought extension of the dates in the scheduling order, which request was not opposed by CBT. The request was granted by Entry dated October 27, 2014, and new dates for testimony and hearing were established. Batavia has since retained the services of undersigned counsel in order to represent Batavia in this matter. New counsel requests further extension of the date for testimony and hearing, in order to properly prepare for hearing and to engage in meaningful settlement discussions. Batavia does not object to continued suspension of Ordinance 1284.13 during this requested extension of time. Counsel for CBT does not object to this continuance, and waives any claim for failure to resolve the Complaint within 120 days, so long as the suspension remains in place. As Counsel for CBT does not object to this Motion for Continuance and no other Parties have intervened in this proceeding, an expedited ruling is requested and may be granted pursuant to Rule 4901-1-12. As noted, continuance of the hearing will allow Counsel for Batavia adequate time to prepare for a hearing on the Complaint and to engage in appropriate discussions for possible settlement. Accordingly, Batavia requests that a continuance be granted. A proposed modified schedule would have Direct Testimony, Expert or otherwise, due on January 30, 2015 and a hearing on February 23, 2015.

Respectfully submitted,


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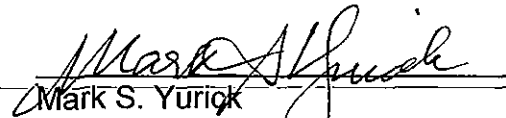
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for a Continuance was served upon the following parties of record, via U.S. Mail postage prepaid, on November 20, 2014.

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