

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

LEVON LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 14-0907-GA-CSS
)	
THE EAST OHIO GAS COMPANY D/B/A)	
DOMINION EAST OHIO,)	
)	
Respondent.)	

**MEMORANDUM IN RESPONSE TO MOTION TO CONTINUE HEARING
ON BEHALF OF
THE EAST OHIO GAS COMPANY D/B/A DOMINION EAST OHIO**

On March 10, 2015, the complainant, Levon LLC, filed an apparent request to continue the hearing scheduled in this case for March 19. Under Rule 4901:1-12(B)(1), The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) files this response.

DEO does not oppose Levon LLC’s request for continuance and will cooperate with the attorney examiner in identifying alternate hearing dates. Nevertheless, DEO respectfully requests that the Commission, in setting any new hearing date, require Levon LLC to have counsel enter an appearance in this case no later than three weeks prior to the scheduled date. Good cause exists to grant this request.

As the Commission has recognized, Levon LLC must hire counsel if it wishes to prosecute this complaint. This complaint has been pending since May 2014, and on July 15, 2014, the Commission informed complainant that it would be necessary to retain counsel. *See* Entry ¶ 6 (July 15, 1014). To date, almost eight months later, it remains unclear whether complainant intends to retain counsel, and if it does not do so, the hearing cannot go forward. This presents DEO with a dilemma. If DEO does not know complainant’s intentions as the

hearing date draws near, the company will have no choice but to undertake the substantial costs of preparing for hearing—such as drafting prefiled testimony, meeting with witnesses, and developing cross-examination—even if the complainant ultimately chooses not to proceed.

Therefore, to resolve this dilemma, DEO requests that the Commission require complainant to have counsel enter an appearance in this case no later than three weeks prior to the scheduled hearing date. If no such appearance is entered, DEO recommends that the hearing should be continued indefinitely and that the Commission consider dismissing the complaint with prejudice for failure to prosecute.

Dated: March 10, 2015

Respectfully submitted,

/s/ Andrew J. Campbell
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ATTORNEYS FOR THE EAST OHIO GAS
COMPANY D/B/A DOMINION EAST OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum was served by electronic mail

this 10th day of March 2015 to the following:

Levon LLC, c/o Tony Lyons
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/s/ Andrew J. Campbell
One of the Attorneys for The East Ohio Gas
Company d/b/a Dominion East Ohio

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Case No(s). 14-0907-GA-CSS

Summary: Memorandum in Response to Complainant's Motion to Continue electronically filed by Mr. Andrew J Campbell on behalf of The East Ohio Gas Company d/b/a Dominion East Ohio