

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DON HABEGGER,**

COMPLAINANT,

v.

CASE NO. 16-1208-EL-CSS

THE TOLEDO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on January 6, 2017

{¶ 1} By entry issued December 2, 2016, a hearing was scheduled in this matter for January 24, 2017, at the offices of the Commission.

{¶ 2} On December 20, 2016, The Toledo Edison Company (Toledo Edison) filed a motion requesting a continuance of the scheduled hearing. In support of its motion, Toledo Edison states that, on December 20, 2016, the Company filed a motion to dismiss this matter, pursuant to Ohio Adm.Code 4901-9-01(F), as the complaint has been satisfied. Toledo Edison states that, in accordance with Ohio Adm.Code 4901-9-01(F), the Complainant has 20 days, or until January 9, 2017, to respond to that motion. Further, the current procedural schedule in this proceeding requires that expert witnesses file direct testimony with the Commission by January 17, 2017, only eight days after the deadline for Complainant's response. Toledo Edison states that, given that the Company has already satisfied the complaint by refunding and/or crediting all amounts in dispute, it would save the resources of the parties and the Commission to continue the hearing in this matter.

{¶ 3} Toledo Edison's motion to continue the hearing is reasonable and should be granted. Accordingly, the hearing shall be continued pending the Commission's action on Toledo Edison's motion to dismiss. If necessary, the hearing will be rescheduled to a date to be set by subsequent entry.

{¶ 4} It is, therefore,

{¶ 5} ORDERED, That Toledo Edison's motion to continue the hearing be granted.
It is, further,

{¶ 6} ORDERED, That, if necessary, the hearing be rescheduled in accordance with
Finding (3). It is, further,

{¶ 7} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

GAP/vrm/dah

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in

Case No(s). 16-1208-EL-CSS

Summary: Attorney Examiner Entry ordering Toledo Edison's motion to continue the hearing be granted; and that the hearing be continued pending the Commission's action on Toledo Edison's motion to dismiss. If necessary, the hearing will be rescheduled to a date to be set by subsequent entry. Entry electronically filed by Debra Hight on behalf of Kerry K. Sheets, Attorney Examiner.