

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Cleveland Metropolitan School District,)	
Complainant,)	
)	
v.)	Case No. 18-1815-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S MOTION TO
CONTINUE AND FOR PRE-HEARING CONFERENCE**

Pursuant to Ohio Administrative Code Section 4901-1-12 and 4901-1-13, Respondent, The Cleveland Electric Illuminating Company (“CEI”), respectfully moves the Commission for an Order (1) continuing the current procedural schedule in the above-captioned proceeding; and (2) scheduling a pre-hearing conference to establish a new procedural schedule that accommodates the needs of both parties to this proceeding. A Memorandum in Support of this Motion is attached.

Respectfully submitted

/s/ Emily V. Danford
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MEMORANDUM IN SUPPORT

Complainant Cleveland Metropolitan School District (“CMSD”) filed a Complaint against CEI on December 10, 2018. CEI filed its Answer on December 19, 2018. On November 14, 2019, CMSD and CEI attended a pre-hearing conference and agreed on a procedural schedule for this proceeding. The Commission issued an Entry on November 25, 2019 approving that procedural schedule.

On January 9, 2020, CMSD and CEI filed a Joint Motion for 60-Day Extension of Procedural Schedule (the “Joint Motion”). As cause for the Joint Motion, CMSD and CEI stated that “Counsel for CMSD, Barth Royer, has been experiencing serious health issues.” Joint Motion at 1. The Commission granted the Joint Motion on January 13, 2020.

Shortly thereafter, Mr. Royer passed away. On February 28, 2020, Devin Parram filed a Notice of Substitution of Counsel, in which Mr. Parram and the law firm of Bricker & Eckler LLP substituted for Mr. Royer and the law firm of Barth E. Royer, LLC as Counsel of Record for CMSD.

CEI submits that the current procedural schedule is no longer workable for multiple reasons, including without limitation because it sets March 13, 2020 as the deadline for written discovery requests. However, as of the filing of this Motion, CMSD is over two months late in responding to CEI’s most recently issued discovery requests. While CEI recognizes and is sympathetic to the extenuating circumstances in this case, it would be prejudicial to hold the parties to the current procedural schedule given the current status of discovery in this proceeding.

CMSD and CEI seem to be in agreement that some extension of the procedural schedule is appropriate, and they have attempted to agree on a revised procedural schedule to propose to the Commission; however, they have been unable to do so as of the filing of this Motion.

For the foregoing reasons, CEI respectfully moves the Commission for an Order (1) continuing the current procedural schedule in the above-captioned proceeding; and (2) scheduling a pre-hearing conference to establish a new procedural schedule that accommodates the needs of both parties to this proceeding.

Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing The Cleveland Electric Illuminating Company's Motion to Continue and for Pre-Hearing Conference was served upon the following parties of record via electronic mail this 9th day of March 2020:

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Case No(s). 18-1815-EL-CSS

Summary: Motion The Cleveland Electric Illuminating Company's Motion to Continue and for Pre-Hearing Conference electronically filed by Ms. Emily V Danford on behalf of The Cleveland Electric Illuminating Company