

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Container Graphics Corporation,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Talen Energy Marketing, LLC,	)	Case No. 21-0925-EL-CSS
	)	
and	)	
	)	
The Toledo Edison Company,	)	
	)	
Respondents.	)	

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**JOINT MOTION OF  
TALEN ENERGY MARKETING, LLC,  
THE TOLEDO EDISON COMPANY  
AND  
CONTAINER GRAPHICS CORPORATION  
TO SUSPEND THE TIME TO ANSWER THE COMPLAINT  
AND  
REQUEST FOR EXPEDITED RULING**

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Pursuant to Ohio Administrative Code 4901-1-12 through 4901-1-14, Talen Energy Marketing, LLC, The Toledo Edison Company and Container Graphics Corporation (collectively, the “Parties”) move to suspend the deadline to answer and otherwise respond to the Container Graphics Corporation’s (“CGC”) Complaint in this matter. The Parties have engaged in settlement discussions for several months. Container Graphics Corporation (“the Complainant”) and Talen Energy Marketing, LLC (“Talen”) have recently reached an agreement in principle and have represented to The Toledo Edison Company (“Toledo Edison”) that this agreement in principle will resolve all issues in the Complaint as to both Talen and Toledo Edison. As further explained in the accompanying memorandum in support, the Parties request an order granting their motion to suspend the time to file an answer and otherwise respond to the Complaint while they work to

promptly finalize the settlement document. It is envisioned that the Parties will then be able to file a joint motion to dismiss this case, obviating the need for answering the complaint. If for some reason the Parties are unable to finalize the settlement document, any of the Parties may file notice in this docket and the answer or other responsive pleading will be due 20 days thereafter.

Pursuant to Ohio Administrative Code 4901-1-12(C), the Parties also request an expedited ruling on this joint motion because the current answer date is approaching.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF THE JOINT MOTION OF  
TALEN ENERGY MARKETING, LLC,  
THE TOLEDO EDISON COMPANY  
AND  
CONTAINER GRAPHICS CORPORATION  
TO SUSPEND THE TIME TO ANSWER THE COMPLAINT  
AND  
REQUEST FOR EXPEDITED RULING**

Under Ohio Administrative Code 4901-1-13, “extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown.” Ohio Administrative Code 4901-1-14 authorizes the Attorney Examiner to issue other procedural rulings. CGC filed its Complaint on September 8, 2021, and the current deadline to file an answer and otherwise respond to the Complaint is January 31, 2022. Extensions for answering the complaint were granted previously at the request of the Parties because they have been engaged in settlement discussions. Good cause exists to suspend the answer time – positive settlement discussions have now resulted in an agreement in principle between Complainant and Talen, who have represented to Toledo Edison that this agreement in principle will resolve all issues in this proceeding as to both Talen and Toledo Edison. The Parties are working on a settlement document and, once executed, the Parties envision filing a joint motion to dismiss this matter because of the settlement. The Parties need time to complete that process and prefer to focus their efforts on finalizing their settlement rather than preparing a written response to the complaint.

The Attorney Examiner stated in his January 3, 2022 Entry that, if any further extension of the answer time was requested by the Parties, such request should include “a more specific explanation regarding the settlement expectations in the case, as well as an indication of the cost savings associated with the prolonged delay in filing responsive pleadings in the case.” At this point, the Parties expect to promptly finalize their settlement based on their agreement in principle. Rather than expending time and incurring expenses on answers and litigation, the Parties wish to

focus on the resolution of the issues through the settlement terms reached in principle – which will result in a significant savings of time, money and resources for all of the Parties, the Commission and its Staff. Accordingly, the Parties jointly move for an order for Talen Energy Marketing, LLC and The Toledo Edison Company to suspend the time to answer and otherwise respond to the Complaint. The Parties are willing to provide a status update to the Attorney Examiner of their progress in the event the joint motion to dismiss is not filed within the next 45 days. If for some reason the Parties are unable to finalize the settlement document, any of the Parties may file notice in this docket and the answer or other responsive pleading will be due 20 days thereafter.

Given the pending answer deadline of January 31, 2022, the Parties also request an expedited ruling on this joint motion pursuant to Ohio Administrative Code 4901-1-12(C). All Parties agree to the issuance of an expedited ruling.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically service notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 31<sup>st</sup> day of January 2022 upon all persons/entities listed below.

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Michael J. Settineri

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 21-0925-EL-CSS**

Summary: Motion Joint Motion to Suspend the Time to Answer the Complaint and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Talen Energy Marketing, LLC and Container Graphics Corporation and The Toledo Edison Company