

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**UNITED STATES OF AMERICA, et al.,
Plaintiffs,**

v.

**OHIO EDISON COMPANY, et al.,
Defendants.**

**CASE NO. C2-99-1181
JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE TERENCE P. KEMP**

ORDER

The Defendant, Ohio Edison, has requested an extension of time in which to elect whether to install flue gas desulfurization ("FGD") technology, termed scrubbers, on Units 4 and 5 of the Burger Plant. Under the Consent Decree, the existing date for meeting such election was December 31, 2008.


The Court finds, in its discretion, that an extension of ninety (90) days is appropriate. Ohio Edison shall make an election on or before March 31, 2009 indicating whether it intends to install FGDs on the Burger Units.

Based upon representations made by the parties in legal memoranda, in the event Ohio Edison elects to install FGDs at the Burger Plant, all parties shall be bound by the terms and conditions of the Memorandum of Understanding reached on December 18, 2008.

Based upon the foregoing, the Motion to Extend the Deadline to Elect filed by Ohio Edison is **DENIED** with prejudice.

IT IS SO ORDERED.

1-30-2009
DATE



**EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE**