IN THE SUPREME COURT OF OHIO

LORRI TURNER, ADMINISTRATRIX, etc.,	)	**Case Nos. 2007-0035; 2007-0112**
Appellee,	)	**On Appeal from the Cuyahoga County Court of Appeals, Eighth Appellate District**
vs.	)	
OHIO BELL TELEPHONE COMPANY, et al.,	)	**Court of Appeals Case No. CA-05-087541**
Appellants.	)	

FILED
SEP 10 2007
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF WITHDRAWAL OF *AMICI CURIAE* THE OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, THE TOLEDO EDISON COMPANY AND FIRSTENERGY CORP.'S MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

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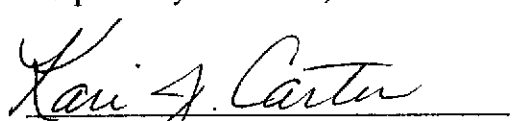
Amici Curiae, the Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and their parent FirstEnergy Corp. (hereinafter referred to as "FirstEnergy Companies"), hereby withdraws its Motion for Leave to Participate in Oral Argument which was filed on Wednesday, August 22, 2007.

Despite withdrawal of its Motion, the FirstEnergy Companies rely upon the arguments contained in the Motion. The FirstEnergy Companies believe that the Eighth District's decision in *Turner* directly contradicts the provisions of Ohio Revised Code §§ 5515.01 & 5547.03. Under Ohio's comprehensive regulatory scheme, the placement and maintenance of poles in public rights-of-way are regulated by the State of Ohio through various governmental entities, including the Ohio Department of Transportation and county commissioner boards. If the Court does not overturn the *Turner* Decision, Ohio's comprehensive statutory framework will be ignored and improperly rewritten. The FirstEnergy Companies hope that this Court will fully consider Ohio's existing statutory scheme and accept the arguments advanced in the FirstEnergy Companies' briefs.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing, *Notice of Withdrawal of Amicus Curiae The Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company and FirstEnergy Corp.'s Motion for Leave to Participate in Oral Argument*, was served upon the following by regular U.S. mail, postage pre-paid, on September 10, 2007:

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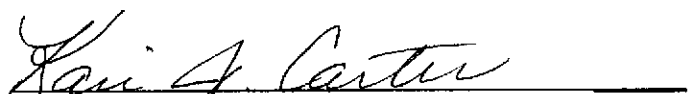

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