

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Robert A. Celli,)	
)	
Complainant,)	
)	
v.)	Case No. 06-1098-EL-CSS
)	
FirstEnergy Corp.)	
and)	
The Cleveland Electric Illuminating Company,)	
)	
Respondents.)	

ENTRY

The Commission finds:

- (1) On September 5, 2006, Robert A. Celli (Mr. Celli or complainant) filed a complaint against "FirstEnergy." In his complaint, Mr. Celli alleges that FirstEnergy negligently fails to maintain an adequate and reliable power grid. In particular, Mr. Celli claims that the company lost several poles on July 1, 2006, because they were in a deteriorated condition. Because of the negligent maintenance of FirstEnergy's facilities, Mr. Celli reports that there have been numerous power outages. Mr. Celli claims damages to personal property in the amount of \$1,431.97.
- (2) On September 27, 2006, FirstEnergy Corp. (FirstEnergy) and The Cleveland Electric Illuminating Company (CEI) filed a joint answer to the complaint. In the answer, CEI denies that it has been negligent, that its poles are in poor condition, or that voltage delivery has been inconsistent at the complainant's residence. CEI, however, acknowledges that there have been approximately 11 sustained power outages at the complainant's residence within the past 36 months. CEI denies the complainant's allegations concerning damage to personal property. Overall, CEI declares that it has acted in compliance with its tariff and asserts that the complainant has failed to state reasonable grounds.

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Attached to its answer, CEI filed a motion to dismiss. Citing the language in its tariff, CEI states that it shall endeavor but does not guarantee a continuous supply of electric energy. The tariff also provides that CEI will attempt, but not guarantee, the maintenance of voltage and frequency within reasonable limits. The tariff further provides that CEI shall not be liable for damages arising from variations in service characteristics or phase reversals.

The motion to dismiss also seeks to remove FirstEnergy as a party to this proceeding. CEI explains that FirstEnergy is not a public utility, does not provide electric service to the complainant, and is not subject to the jurisdiction of the Commission. The respondents, therefore, move that FirstEnergy be dismissed.

- (3) On November 2, 2006, the attorney examiner spoke to the complainant by telephone and discussed procedural matters, including the scheduling of a prehearing conference. To arrange a prehearing conference, the attorney examiner attempted to contact Mr. Celli by telephone to schedule a date and time for a prehearing conference. Mr. Celli did not return the telephone calls.
- (4) By entry issued January 17, 2007, the attorney examiner requested that Mr. Celli contact the attorney examiner within 15 days to discuss procedural matters and the possibility of scheduling a prehearing conference. The attorney examiner advised Mr. Celli that if he did not respond within the 15-day period, the attorney examiner would recommend that the complaint be dismissed. To date, Mr. Celli has not responded. Upon the recommendation of the attorney examiner and for lack of prosecution, this complaint should be dismissed.

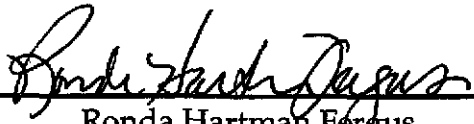
It is, therefore,

ORDERED, That the complaint is dismissed without prejudice and this matter is closed of record. It is, further,

ORDERED, That a copy of this Entry be served upon the parties, counsel, and all interested persons of record.

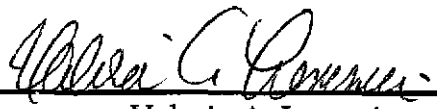
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman




Ronda Hartman Fergus

Judith A. Jones



Valerie A. Lemmie




Donald L. Mason

LDJ/vrm

Entered in the Journal

FEB 28 2007



Renee J. Jenkins

Renee J. Jenkins
Secretary