

BEFORE

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THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Austin's)
Woodfire Grille,)
)
Complainant,)
)
v.) Case No. 07-1137-EL-CSS
)
The Cleveland Electric Illuminating)
Company,)
)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On October 25, 2007, Austin's Woodfire Grille (complainant) filed a complaint stating that it is a customer of Cleveland Electric Illuminating Company (CEI). Complainant alleges that, on August 2, 2007, it experienced a power outage and reported the problem to CEI. Complainant argues that CEI first investigated the outage on August 2, 2007, but failed to detect any problem until it made a second investigation on August 3, 2007, when it was able to detect and repair the cause for the outage. Complainant argues that CEI should have detected and corrected the problem when it first investigated the outage on August 2, 2007. Complainant also contends that, as a result of the failure of CEI to correct the outage on August 2, 2007, complainant suffered financial damages.
- (2) On November 16, 2007, CEI filed an answer admitting in part and denying in part the allegations in the complaint.
- (3) This matter should be scheduled for a settlement conference on January 14, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-B, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. The parties should bring all relevant documents with them to the conference. In accordance with Rule 4901-1-26,

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Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim.

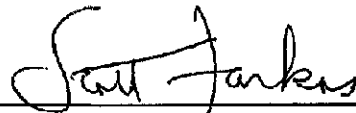
- (4) As is the case in all Commission complaint proceedings, the complainant has the burden of providing the allegations of the complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1966).

It is, therefore,

ORDERED, That a settlement conference be held in accordance with Finding (3). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

geg/vrm

Entered in the Journal

NOV 29 2007



Renee J. Jenkins
Secretary