

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Don)
Damyanic,)

Complainant,)

v.)

Ohio Edison Company,)

Respondent.)

Case No. 07-1239-EL-CSS

ENTRY

The Attorney Examiner finds:

- (1) On December 3, 2007, Don Damyanic (complainant) filed a complaint with the Commission against Ohio Edison Company (OE, respondent). Mr. Damyanic states that OE claims that he tampered with a disconnected meter and restored service to his home. Mr. Damyanic claims that as of October 22, 2007, his electric utility bill was current. On that date, Mr. Damyanic states contractors were working at the property at issue and using electricity. Subsequently, Mr. Damyanic states OE discovered service had not been disconnected and disconnected service to Mr. Damyanic on November 16, 2007. Mr. Damyanic claims that the disconnection of his electric service caused the loss of the contents of his refrigerator/freezer and a meat storage freezer which held approximate \$900 worth of meat. The complainant states that he contacted OE several times the evening of November 26, 2007, but did not get a response. The complainant also states that he was charged a reconnection fee twice. Mr. Damyanic requests OE reimburse him for his losses.
- (2) On December 21, 2007, OE filed its answer to the complaint. OE admits that Mr. Damyanic's electric service was disconnected on October 22, 2007, for nonpayment and that service was disconnected again on November 16, 2007, for meter tampering. OE further admits that Mr. Damyanic contacted OE on November 16, 2007, and spoke with a customer service representative. OE denies the remaining

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allegations of the complaint or states that it lacks knowledge sufficient to form a belief as to the truth of the matter asserted. OE states that the company acted in accordance with the provisions of its tariff on file with the Commission and pursuant to all applicable rules, regulations and orders issued by the Commission, the laws of the state of Ohio and pursuant to accepted standards and practices in the electric utility industry.

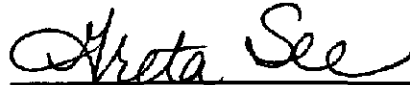
- (3) In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, this matter should be scheduled for a conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, 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. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An Attorney Examiner, Scott Farkas, from the Commission's Legal Department, will conduct the mediation.
- (4) Accordingly, a conference shall be scheduled for February 12, 2008, at 10:00 a.m., at the office of the Commission, 180 East Broad Street, 11th floor, Conference Room B, Columbus, Ohio 43215-3793. The parties are directed to bring all relevant documents with them to the conference. Further, if it becomes apparent that the parties are not likely to settle, the parties should also be prepared to assist with the establishment of the procedural schedule to facilitate the timely and efficient processing of this complaint.

It is, therefore,

ORDERED, That a conference be scheduled in this case for February 12, 2008, at 10:00 a.m., at the offices of the Commission. It is, further,

ORDERED, That a copy of this entry be served upon Mr. Damyanic, OE and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

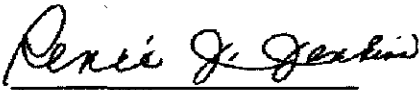


By: Greta See
Attorney Examiner

grg/vrm

Entered in the Journal

JAN 16 2008



Renee J. Jenkins
Secretary