

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Odessa and David  
Henderson,

Complainants,

v.

The Cleveland Electric Illuminating  
Company,

Respondent.

Case No. 08-1077-EL-CSS

ENTRY

The attorney examiner finds:

- (1) On September 12, 2008, Odessa and David Henderson (the Hendersons) filed a complaint against The Cleveland Electric Illuminating Company (CEI), alleging errors in billing. The Hendersons assert that CEI continued to bill them for service at their former residence at 885 Keystone Drive (Keystone Drive) in Cleveland Heights, Ohio, even though CEI had been notified by the Hendersons in September 2004 that electric service was to be discontinued. The Hendersons add that the charges for use at Keystone Drive were transferred to their new residence at 352 Knollwood Trail (Knollwood Trail), Richmond Heights, Ohio. Finally, the Hendersons also allege that two individuals residing at Keystone Drive after the transfer of ownership, Gregory Giles and Jan Parks (collectively, Parks/Giles) had admitted to the use of the service.
- (2) On October 2, 2008, CEI filed a motion to extend the time in which to file an answer to the complaint. CEI requested until October 31, 2008, to file its answer, stating that it was still investigating the details of the complaint.
- (3) By entry issued on October 14, 2008, the attorney examiner granted CEI's request for additional time until October 31, 2008.

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- (4) CEI answered the complaint on October 14, 2008, by denying that it had received a call from the Hendersons to discontinue service at Keystone Drive. CEI admits that, except for several months during the period at issue, the Keystone Drive account continued to be billed to Odessa Henderson. CEI also admits that it did transfer an outstanding balance from the Keystone Drive account to the Knollwood Trail account.
- (5) CEI filed a motion on November 5, 2008, requesting that the Commission, under Rule 4901-1-10(A)(7), Ohio Administrative Code (O.A.C.), join Parks/Giles to the proceeding. CEI contends that allegations in the Hendersons' complaint, as well as evidence in CEI's possession, indicates that "at least for a portion of the time at issue in this proceeding, Parks/Giles assumed responsibility for payment of the electric bills" at the Hendersons' former residence. CEI adds that there is also evidence that Parks/Giles may have misrepresented themselves as complainants when communicating with CEI, and that the Hendersons allege that Parks/Giles asked that the account be renamed for them. CEI concludes that in order to properly resolve the matter and hold the proper party responsible for the electric usage, Parks/Giles should be made parties to the proceeding.
- (6) The Hendersons did not file a memorandum contra CEI's motion to join Parks/Giles.
- (7) Having reviewed the Hendersons' complaint, CEI's answer, and CEI's motion to join Parks/Giles, the attorney examiner concludes that a prehearing conference is appropriate. Accordingly, a prehearing conference is scheduled for February 23, 2009, at 11:00 A.M. in Hearing Room 11-A at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215.

Regarding CEI's November 5, 2008, motion to join parties to the proceeding, CEI presumably seeks to join Parks/Giles as complainants, yet Parks/Giles did not file the complaint and have indicated no interest in being joined for that purpose. Therefore, CEI's motion to join Parks/Giles is denied. The attorney examiner adds that CEI may, however, choose to subpoena Parks/Giles as witnesses if it wishes to do so.

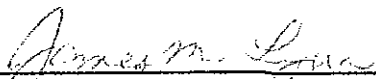
It is, therefore,

ORDERED, That a prehearing conference is scheduled as described in Finding (7).  
It is, further,

ORDERED, That CEI's motion to join Parks/Giles to this proceeding is denied. It is,  
further,

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

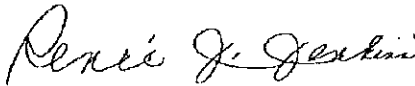
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: James M. Lynri  
Attorney Examiner

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Entered in the Journal

FEB 9 2009



Renee J. Jenkins  
Secretary