

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Odessa and David)	
Henderson,)	
)	
Complainants,)	
)	
v.)	Case No. 08-1077-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

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 asserted that CEI had billed them for service at their former residence at 885 Keystone Drive (Keystone Drive) in Cleveland Heights, Ohio, even though they had relocated and had notified CEI of this. The Hendersons added that Gregory Giles (Mr. Giles) and Jan Parks (Ms. Parks), who resided at Keystone Drive after the transfer of ownership (collectively, Parks/Giles), had admitted to the use of the service.
- (2) 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 admitted that, except for several months during the period at issue, the Keystone Drive account continued to be billed to Odessa Henderson.
- (3) 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, in order to properly resolve the matter and hold the proper party responsible for the electric usage. The Hendersons did not file a memorandum contra CEI's motion to join Parks/Giles.

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- (4) By entry issued on February 9, 2009, the attorney examiner scheduled a prehearing conference for February 23, 2009. In addition, the attorney examiner denied CEI's motion to join Parks/Giles, while noting that CEI could subpoena Parks/Giles as witnesses at a hearing.
- (5) The parties participated in the February 23, 2009, prehearing conference as scheduled but could not agree upon a settlement. By entry issued on March 13, 2009, the attorney examiner scheduled a hearing date of May 28, 2009.
- (6) On April 13, 2009, CEI filed a motion to subpoena Parks/Giles, accompanied by a memorandum in support. In the motion, CEI requests waiver of the deposit for witness fees required by Rule 4910-1-25(F), O.A.C., offering instead to pay such fees on the day of hearing. In addition, CEI asserts that after many attempts, it contacted Ms. Parks, who admitted that she and Mr. Giles used the electricity during the period in question. CEI adds that while Ms. Parks stated that she and Mr. Giles were willing to set up a payment plan, Mr. Parks has not responded to subsequent CEI telephone calls. CEI argues that joining Parks/Giles to the proceeding will assist in proper resolution of the matter.
- (7) The attorney examiner finds CEI's motions to subpoena Parks/Giles to be reasonable and approves the motions. In addition, the attorney examiner also approves CEI's request to pay witness fees directly to Parks/Giles on the day of the May 28, 2009, hearing, rather than deposit the witness fees at the Commission prior to the hearing.

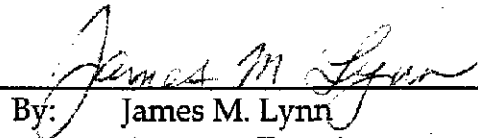
It is, therefore,

ORDERED, That CEI's motions to subpoena Parks/Giles are approved. It is, further,

ORDERED, That CEI's motions to pay the witness fees of Parks/Giles on the date of the hearing, rather than depositing the witness fees at the Commission before the hearing, is also approved. It is, further,

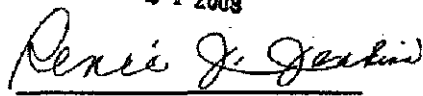
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: James M. Lynn
Attorney Examiner

ctf
/ct

Entered in the Journal

APR 24 2009

Renee J. Jenkins
Secretary