

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Castro Brothers Inc. dba)	
Scorchers,)	
)	
Complainant,)	
)	Case No. 08-1274-EL-CSS
v.)	
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 1, 2008, Dennis Castro (Mr. Castro), on behalf of his company Castro Brothers Inc. dba Scorchers (Scorchers), filed a complaint against Ohio Edison Company (Ohio Edison). Mr. Castro alleges inaccuracies in his bill because of "power outages, spikes, flickering, etc. in our facility" for nearly eight years. Mr. Castro also states that Ohio Edison installed a recorder on Scorchers' meter, yet he is asked to provide information on the day and time of service interruptions, and whether he is present when the interruptions occur.
- (2) On December 23, 2008, Ohio Edison answered by admitting that it maintains an account for Scorchers. Ohio Edison asserts that Mr. Castro's complaints have been properly handled, his bill is accurate, and his service problems no longer exist. Ohio Edison contends that its recorder had indicated no surges or abnormal readings.
- (3) By entry issued February 12, 2009, the attorney examiner scheduled a March 3, 2009, prehearing conference. However, on March 3, 2009, Mr. Castro contacted the attorney examiner to indicate no further interest in pursuing the complaint. Mr. Castro added that he would file a letter to withdraw the complaint and reasserted this during discussions with the attorney examiner on March 18, 2009, and April 2, 2009.

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- (4) In mid-April 2009, Mr. Castro contacted the attorney examiner to indicate that he had reconsidered and wanted to pursue the complaint, while also discussing the matter directly with Ohio Edison's counsel in the meantime. Therefore, a hearing is scheduled for June 30, 2009, at 10:00 A.M. in Hearing Room 11-G at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. In complaint proceedings, the burden of proof rests with the complainant. Therefore, at the hearing, it shall be Mr. Castro's responsibility to appear and be prepared to present evidence supporting his complaint.
- (5) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code (O.A.C.), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days before commencement of the hearing.

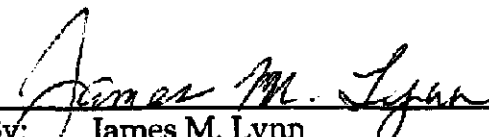
It is, therefore,


ORDERED, That a hearing is scheduled as described in Finding (4) above. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Rule 4901-1-29(A)(1)(h), O.A.C. It is, further,

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

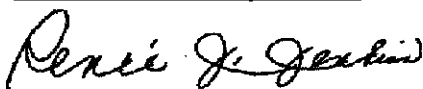
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: James M. Lynn
Attorney Examiner


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Entered in the Journal

APR 24 2009



Renee J. Jenkins
Secretary