

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Odessa and David  
Henderson,

Complainants,

v.

The Cleveland Electric Illuminating  
Company,

Respondent.

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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 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.
- (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) The parties participated in a 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.
- (4) On May 27, 2009, CEI and the Hendersons filed a joint motion for a continuance of the hearing. The joint motion requested the additional time to allow the parties to reach a settlement.
- (5) The attorney examiner considers the May 27, 2009, joint motion to be reasonable and grants the request. Accordingly, the hearing is rescheduled for June 25, 2009, 11:00 A.M., in Hearing

Room 11-F at the Commission offices, 180 East Broad Street,  
Columbus, Ohio 43215-3793.

- (6) The attorney examiner will remind the Hendersons that in complaint proceedings, the burden of proof is on the complainant. Therefore, at the hearing, it shall be the Hendersons' responsibility to appear and be prepared to present evidence supporting their complaint.
- (7) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, 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 prior to the commencement of the hearing.

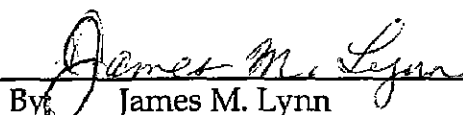
It is, therefore,

ORDERED, That the hearing date is rescheduled as discussed in Finding (5). It is, further,

ORDERED, That any party intending to present direct, expert testimony should comply with Finding (7). It is, further,

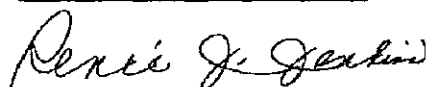
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By James M. Lynn  
Attorney Examiner

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Entered in the Journal  
JUN 01 2009



Renee J. Jenkins  
Secretary