

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Paul M. Benak,)	
)	
Complainant,)	
)	
v.)	Case No. 09-406-EL-CSS
)	
The Cleveland Electric Illuminating Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) The above-reference complaint was filed on May 11, 2009. In the complaint, Paul M. Benak (complainant) indicated the following:
 - (a) In November 2008, complainant removed a refrigerator, washer/dryer, and stove. Complainant used a microwave, an oil-fired hot water tank, with hot water heat usually at 50 degrees, and an electric space heater.
 - (b) To compare use of electric power, complainant enclosed bills from 2006, 2007, 2008, and 2009; complainant observed an interesting "spike" that did not happen until 2007.
 - (c) There were no changes in complainant's household during this time.
 - (d) Many people in Rock Creek Village brought unusually high electric bills to the complainant's attention.

Complainant included figures with the complaint form representing historical usage information, but provided no other allegations in support of the complaint.

- (2) On May 29, 2009, The Cleveland Electric Illuminating Company (CEI) filed an answer denying any allegations in the complaint.
- (3) Rule 4901-9-01(B), Ohio Administrative Code, requires that a complaint clearly explain the facts which constitute the basis of the complaint. Although Mr. Benak's complaint appears to contain an allegation of overcharging by CEI, the complaint itself, at present, does not comply with the rule. The complaint does contain statements; however, it contains no factual allegations that would lead to a finding that CEI has engaged in improper or unlawful actions.
- (4) Within 15 days of this entry, Mr. Benak should amend his pleading and provide a more definite statement of the facts that lead him to file his original complaint.
- (5) Due to the Commission's stated goal of reducing the number of adversarial proceedings before it, this matter should be scheduled for a settlement conference on July 21, 2009, at 1:30 p.m., in hearing room 11-A, in the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (6) The purpose of the settlement conference is to determine whether this complaint can be informally resolved. The parties should bring with them all documents relevant to this matter.

It is, therefore,

ORDERED, That, in accordance with Finding (4), the complainant file a more definite statement of his complaint on or before June 25, 2009. It is, further,

ORDERED, That a settlement conference in Case No. 09-406-EL-CSS be scheduled in accordance with Finding (5). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Kerry K. Sheets
By: Kerry K. Sheets
Attorney Examiner

jed
/vrm

Entered in the Journal

JUN 10 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary