

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Vashon
McIntyre,

Complainant,

v.

The East Ohio Gas Company d/b/a
Dominion East Ohio,

Respondent.

Case No. 08-40-GA-CSS

In the Matter of the Complaint of Vashon
McIntyre,

Complainant,

v.

The Cleveland Electric Illuminating
Company,

Respondent.

Case No. 08-64-EL-CSS

ENTRY

The attorney examiner finds:

- (1) On January 15, 2008, Vashon McIntyre (complainant) filed a complaint in Case No. 08-40-GA-CSS (08-40), alleging that The East Ohio Gas Company d/b/a Dominion East Ohio (DEO) billed complainant for gas service at complainant's property after the property had been foreclosed on, sold, and eventually torn down.
- (2) On the same day, complainant also filed a complaint in Case No. 08-64-EL-CSS (08-64) raising similar allegations against The

Cleveland Electric Illuminating Company (CEI) with regards to electric service at the same property.

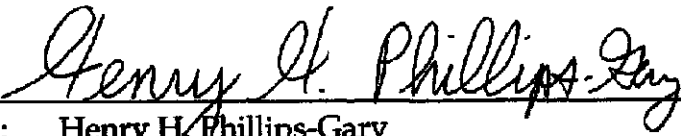
- (3) On February 4, 2008, DEO filed its answer to the complaint in 08-40, and CEI filed its answer in 08-64. Both companies deny the material allegations of the complaint.
- (4) By entry issued on November 24, 2009, this matter was set for a settlement conference on January 12, 2010. The entry was served upon the complainant by certified mail, which was returned unsigned. Additionally, complainant did not appear at the settlement conference held on January 12, 2010.
- (5) Given that service of the previous entry was unsuccessful and the possibility that complainant is located out-of-state, the attorney examiner finds that this matter should be rescheduled for a telephonic settlement conference. Accordingly, a telephonic settlement conference shall be scheduled for February 23, 2010, at 10:00 a.m., Eastern Time. The parties shall participate by calling (614) 644-1080. Failure of the complainant to participate in the rescheduled settlement conference may result in the attorney examiner recommending that the complaint be dismissed.
- (6) If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That, in accordance with finding (5), this matter be scheduled for a telephonic settlement conference. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillips-Gary
Attorney Examiner

get
/dah

Entered in the Journal

FEB 03 2010



Renee J. Jenkins
Secretary