

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Robert C.)
Tarry, Sr.,)
)
Complainant,)
)
v.)
)
Ohio Edison Company,)
)
Respondent.)

Case No. 09-1086-EL-CSS

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on November 10, 2009, and supplemented on February 4, 2010. In the complaint, Robert C. Tarry, Sr. (Mr. Tarry or complainant) stated that Ohio Edison Company (Ohio Edison) should not be charging him or anyone else for electricity that they have not distributed. Further, Mr. Tarry submitted cost and kilowatt usage figures for properties that he owns in Elyria, Ohio. He indicated that the minimal kilowatt usage at his properties was disproportionate when compared to the amount that he paid for electric service.
- (2) On November 30, 2009, Ohio Edison filed an answer denying the allegations in the complaint.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement discussion. However, nothing prohibits any party from

initiating settlement negotiations prior to the scheduled settlement conference.

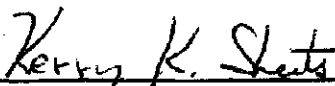
- (4) Accordingly, a settlement conference shall be scheduled for April 9, 2010, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. The parties should bring all relevant documents to the conference. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to establish a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) 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 the matter be scheduled for a settlement conference on April 9, 2010, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Kerry K. Sheets
Attorney Examiner

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/vrm

Entered in the Journal

MAR 04 2010



Renee J. Jenkins
Secretary