

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
VASHON MCINTYRE,)	
Complainant,)	
v.)	Case No. 08-40-GA-CSS
The East Ohio Gas Company d/b/a)	
Dominion East Ohio,)	
Respondent.)	

In the Matter of the Complaint of)	
VASHON MCINTYRE,)	
Complainant,)	
v.)	Case No. 08-64-EL-CSS
The Cleveland Electric Illuminating)	
Company,)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 15, 2008, VASHON MCINTYRE (complainant) filed complaints against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO), in Case No. 08-40-GA-CSS (08-40), and against The Cleveland Electric Illuminating Company (CEI), in Case No. 08-64-EL-CSS (08-64).
- (2) On February 4, 2008, DEO filed its answer to the complaint in 08-40, and CEI filed its answer in 08-64.
- (3) By entry issued on November 24, 2009, both complaint cases (08-40 and 08-64) were consolidated.

- (4) The November 24, 2009, entry also set this matter 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) By entry issued on February 3, 2010, this matter was set for a telephonic settlement conference on February 23, 2010. This entry was served upon the complainant by regular United States mail.
- (6) By correspondence filed on February 8, 2010, the complainant provided an updated address and telephone number. The complainant also indicated that she did not receive notice of the January 12, 2010, settlement conference because service was attempted at an outdated address.
- (7) While the February 23, 2010, telephonic settlement conference was held as scheduled, the complainant did not participate. Attempts to reach the complainant by phone were unsuccessful.
- (8) Given that the complainant has not previously been served at the correct address, the attorney examiner finds that this matter should be rescheduled for a telephonic settlement conference on April 8, 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.
- (9) 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.


- (10) 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.
- (11) 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 (8), 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

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Entered in the Journal

MAR 11 2010



Renee J. Jenkins
Secretary