BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of W.)
Hobart Pullins,)
)
           Complainant,)
)
     v.)   Case No. 09-1983-EL-CSS
)
Ohio Edison Company,)
)
           Respondent.)

ENTRY

The attorney examiner finds:

(1)   On December 22, 2009, W. Hobart Pullins (complainant) filed a complaint against Ohio Edison Company (Ohio Edison). For his complaint, Mr. Hobart submitted copies of his bills and alleged that he does not owe certain amounts.

(2)   Ohio Edison filed an answer on January 11, 2010. In its answer, Ohio Edison alleged that Mr. Pullins has an unpaid balance of $1,395.34. Ohio Edison adds that in 2009 it transferred to the complainant's current account unpaid balances from other residential accounts that were associated with the complainant's name and social security number.

(3)   Concurrently with its answer, Ohio Edison filed a motion for more definite statement pursuant to Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.). Ohio Edison highlights that a complaint must contain "a statement which clearly explains the facts which constitute the basis of the complaint and a statement of the relief sought." Ohio Edison argues that the complaint does not meet this standard. Ohio Edison points out that the complainant has written only two sentences where he claims that he does not owe certain amounts and that he does not understand transferred amounts.

(4)   At this time, Ohio Edison's motion for definite statement shall be held in abeyance pending the completion of a settlement conference to determine whether the parties can resolve this

matter without a formal hearing. If necessary, the attorney examiner will rule on the motion after the settlement conference.

(5)   At this time, 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, 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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

Accordingly, a settlement conference shall be scheduled for May 27, 2010, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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.

Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

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.* (1996), 5 Ohio St.2d 189.
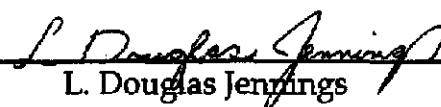
It is, therefore,

ORDERED, That a prehearing settlement conference be held on May 27, 2010, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: L. Douglas Jennings
        Attorney Examiner

/vrm

Entered in the Journal

APR 2 6 2010

Reneé J. Jenkins
Secretary