BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of C. Richard)
Smith,   )
)
              Complainant,   )
)
       v.   )   Case No. 10-340-EL-CSS
)
Ohio Edison Company,   )
)
              Respondent.   )

ENTRY

The attorney examiner finds:

(1)   The above-referenced complaint was filed on March 17, 2010. In the complaint, C. Richard Smith (Mr. Smith or complainant) stated that Ohio Edison Company (Ohio Edison) removed the electric meter from his property, caused damage to his property, and shut off the power supply. Mr. Smith requested that power be restored to his property and that he be awarded damages in this matter.

(2)   On April 6, 2010, Ohio Edison filed an answer generally denying the allegations in the complaint. Ohio Edison also stated that electric service to the complainant's property had been disconnected for non-payment, but the company subsequently began recording usage on the meter. The company admitted that, because of tampering, Ohio Edison personnel removed the meter from the complainant's property and disconnected electric service at the power pole. The company denied that it damaged the complainant's property in any way.

(3)   By entry issued May 14, 2010, the attorney examiner scheduled a settlement conference for June 7, 2010.

(4)   On May 17, 2010, complainant's counsel filed notice that he would represent complainant in this matter. Subsequently, on June 2, 2010, counsel filed notice that Ohio Edison had been served a request for production of documents.

(5)   In June 4, 2010, the parties filed a joint motion for continuance of the settlement conference. The parties explained that counsel was unable to attend the conference on June 7, 2010, and added that they have already begun settlement discussions.

(6)   The attorney examiner finds that the motion for continuance is reasonable and should be granted. Therefore, the settlement conference is continued to July 29, 2010, at 11:00 a.m., in the offices of the Commission, Conference Room 1246, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

(7)   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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

(8)   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. 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.

(9)   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 the motion for continuance be granted. It is, further,

ORDERED, That the settlement conference be rescheduled to July 29, 2010, at 11:00 a.m., in the offices of the Commission, Conference Room 1246, 12th Floor, 180 East Broad Street, 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 James M. Lynn
Attorney Examiner

/dah

Entered in the Journal

JUN 0 9 2010

Reneé J. Jenkins
Secretary