

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In Matter of the Complaint of Elizabeth)	
Milenkovich,)	
)	
Complainant,)	
)	
v.)	Case No. 10-195-EL-CSS
)	
The Cleveland Electric Illuminating Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On February 16, 2010, Elizabeth Milenkovich (complainant) filed a complaint against The Cleveland Electric Illuminating Company (CEI). In her complaint, Ms. Milenkovich alleges that CEI's service rates for electricity are unjust and unreasonable. In support of her claim, she points to her January 2010 heating bill for \$2,373.68 and her February heating bill for \$2,088.98. Compared to her January 2009 bill for \$757.02 and her February 2009 bill for \$691.63, Ms. Milenkovich calculates increases of 314 percent and 302 percent, respectively. She regards increases of this magnitude as grossly excessive. For relief, Ms. Milenkovich seeks a reduction in charges and a limitation on rate increases to a maximum of 10 percent for the prior year.
- (2) CEI filed an answer and a motion to dismiss on March 8, 2010. In its answer, CEI admits that Ms. Milenkovich experienced bill increases over the past year. CEI attributes the increase to the elimination of certain all-electric rates pursuant to proceedings before the Commission.¹

¹ In the Matter of the Notice of Intent of Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company to File an Application to Increase Distribution Rates for Electric Service and for Tariff Approval, Case No. 07-551-EL-AIR, et al (Opinion and Order issued January 21, 2009) and In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the

- (3) With its answer, CEI filed a motion to dismiss. In its motion to dismiss, CEI summarizes the complaint as a disapproval of a Commission-approved rate. CEI emphasizes that the complainant does not claim that she is being charged the wrong rate or that CEI has violated any statute, tariff provision, rule, regulation, or order of the Commission. Relying on Commission precedent, CEI argues that there is a well-established Commission principle that allegations that approved rates should not be charged does not establish reasonable grounds for a complaint.

CEI urges the Commission to dismiss the complaint because it fails to request available relief. The complaint seeks the reversal of a Commission decision. To CEI, the complainant's remedy is not available.

CEI points out that the Commission, since March 3, 2010, has asserted jurisdiction over all-electric rates. CEI states that the Commission, in a March 3, 2010, finding and order, ordered CEI and its sister companies to reinstitute temporarily all electric rates as they existed in December 2008.² CEI notes that the Commission will continue to exercise jurisdiction to fashion a long-term solution. CEI recommends that, rather than addressing this issue in a case-by-case manner, the Commission should address disputes like the complainant's in Case No. 10-176-EL-ATA. An appropriate outcome, in the opinion of CEI, is that the complaint be dismissed with prejudice.

- (4) On March 16, 2010, the complainant filed a pleading entitled "Objection to Respondent's Motion to Dismiss." It shall be construed as a memorandum contra. The complainant rejects the notion that the Commission approved a rate increase of 300 percent. The complainant believes that a rate increase of 300 percent is outrageous, is against the public interest, and, therefore, compels a hearing.
- (5) CEI filed a reply on March 23, 2010. CEI highlights that the Commission did approve the rates in question.

Form of an Electric Security Plan, Case No. 08-935-EL-SSO, et al. (Second Opinion and Order issued March 25, 2009).

² *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider, Case No. 10-176-EL-ATA (Case No. 10-176-EL-ATA).*

Acknowledging that there is a controversy concerning the rates, CEI notes that the Commission is addressing those issues in Case No. 10-176-EL-ATA. CEI believes that the complainant's issues should be addressed in that proceeding and that CEI's motion to dismiss the complaint with prejudice should be granted.

- (6) On February 12, 2010, in Case No. 10-176-EL-ATA, the Ohio Edison Company, CEI, and The Toledo Edison Company (collectively FirstEnergy) filed an application to revise their tariffs to provide rate relief to certain all-electric customers. The Commission issued a finding and order on March 3, 2010, approving FirstEnergy's application with certain modifications.
- (7) In response to an application for rehearing filed by the Office of the Ohio Consumers' Counsel (OCC) on March 8, 2010, the Commission granted rehearing on April 6, 2010. In a second entry on rehearing issued April 15, 2010, the Commission approved FirstEnergy's application after making clarifications. The Commission ordered FirstEnergy to file revised tariffs.
- (8) In a third entry on rehearing issued April 28, 2010, the Commission made further clarifications and granted FirstEnergy's motion to extend the time to file revised tariffs. FirstEnergy filed revised tariff pages on May 7, 2010.
- (9) On May 14, 2010, FirstEnergy filed an application for rehearing challenging the Commission's April 15, 2010, entry on rehearing. FirstEnergy asserted that the Commission's entry on rehearing is unreasonable and unlawful. On May 17, 2010, Industrial Energy Users-Ohio (Industrial Energy Users) and the OCC filed applications challenging the Commission's April 15, 2010, entry on rehearing claiming that the Commission's directives were unreasonable and unlawful.
- (10) On June 9, 2010, the Commission issued a fourth entry on rehearing. The Commission granted the applications for rehearing filed by FirstEnergy, the OCC, and Industrial Energy Users in order to consider the merits of their arguments. To date, the issues concerning all-electric discounts are still being examined.
- (11) It is apparent from the pleadings that Ms. Milenkovich was an all-electric customer. Therefore, she may be affected by the

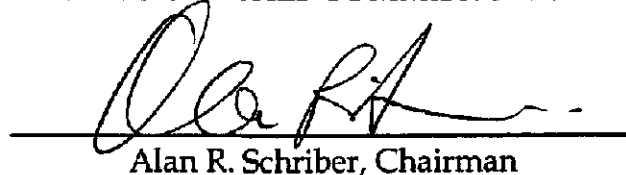
outcome in Case No. 10-176-EL-ATA. So that this proceeding may be resolved completely and consistently with the forthcoming result in Case No. 10-176-EL-ATA, we will suspend this proceeding until we resolve the issues in Case No. 10-176-EL-ATA. As a further result of suspending this action, CEI's motion to dismiss shall be suspended.

It is, therefore,

ORDERED, That this proceeding be suspended pending resolution of the issues in Case No. 10-176-EL-ATA. It is, further,

ORDERED, That copies of this entry be served upon the parties, counsel, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



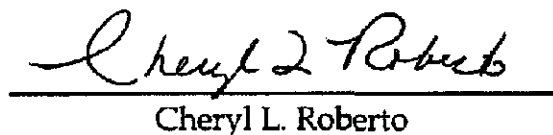
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