

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Peter J.
Wielicki,

Complainant,

v.

The Cleveland Electric Illuminating
Company,

Respondent.

Case No. 10-2329-EL-CSS

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on October 8, 2010. In the complaint, Peter J. Wielicki (Mr. Wielicki or complainant) stated that, after experiencing an abnormal increase in his electric bill, he contacted The Cleveland Electric Illuminating Company (CEI) and a reduction in the payment was agreed upon. Mr. Wielicki noted that he then paid his electric bill via a restrictively endorsed check attached to a letter acknowledging the agreement. Mr. Wielicki stated that his check was negotiated by the company, but that the company breached the agreement by continuing to demand full payment, including fees and interest, and threatening to turn off his power if payment was not made.
- (2) On October 28, 2010, CEI filed an answer denying the allegations in the complaint.
- (3) 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, Ohio Administrative Code, 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.

- (4) Accordingly, a settlement conference shall be scheduled for January 14, 2011, at 11:00 a.m., in the offices of the Commission, Conference Room 1246, 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.
- (5) 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.
- (6) 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 matter be scheduled for a settlement conference on January 14, 2011, 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

Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

gff
/vrm

Entered in the Journal

DEC 01 2010

Renee J. Jenkins

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