

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). With his complaint, Mr. Pullins 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) Along 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 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. Ohio Edison argues that the complaint does not meet the standard set by Rule 4901-9-01(B), O.A.C.
- (4) Pursuant to entries issued on April 26, 2010, May 27, 2010, June 24, 2010, and September 17, 2010, the parties convened for a mediated settlement conference on September 28, 2010. The parties did not resolve any issues.

- (5) Because the parties have not been able to resolve the dispute by negotiation, the complaint should proceed to hearing. The hearing shall be scheduled for April 28, 2011, at 10:00 a.m. in Hearing Room 11-D, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (6) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (7) 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 hearing be scheduled for April 28, 2011, at 10:00 a.m. in Hearing Room 11-D, at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding (6). 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
L. Douglas Jennings
Attorney Examiner

GRJ
/vrn

Entered in the Journal

MAR 08 2011

Renee J. Jenkins

Renee J. Jenkins
Secretary