

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 Commission finds:

- (1) On December 22, 2009, W. Hobart Pullins (complainant) filed a complaint against Ohio Edison Company (Ohio Edison). With 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 added that in 2009 it transferred to the complainant's 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), 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) On April 26, 2010, the attorney examiner issued an entry holding in abeyance a ruling on the motion for more definite statement pending the completion of a settlement conference.

The entry also scheduled a settlement conference for May 27, 2010.

- (5) On May 24, 2010, the parties filed a joint motion to request that the settlement conference be continued.
- (6) By entry issued May 27, 2010, the attorney examiner granted the motion to continue the settlement conference. The attorney examiner rescheduled the settlement conference for June 24, 2010.
- (7) On June 21, 2010, the parties contacted the attorney examiner by telephone to request that the June 24, 2010, settlement conference be continued. Counsel for Ohio Edison, with the complainant's assent, requested additional time to negotiate with the complainant.

The attorney examiner, by entry issued June 24, 2010, granted the parties' request. The attorney examiner rescheduled the settlement conference for July 22, 2010.

- (8) As the result of an additional continuance, the attorney examiner, in an entry issued September 17, 2010, scheduled a mediated settlement conference for September 28, 2010. For the convenience of the parties, the attorney examiner ordered that the conference be conducted by telephone.
- (9) The parties convened for a settlement conference on September 28, 2010. Because they were not able to resolve the dispute through negotiation, the attorney examiner issued an entry on March 8, 2011, scheduling the complaint to be heard on April 28, 2011.
- (10) On April 20, 2011, Ohio Edison filed a motion requesting that the hearing be continued. Ohio Edison noted in its motion that its efforts to continue negotiating with the complainant had been frustrated because the complainant's telephone had been disconnected.
- (11) By entry issued April 25, 2011, the attorney examiner granted Ohio Edison's motion to continue the hearing. The attorney examiner rescheduled the hearing for May 25, 2011.

- (12) On May 25, 2011, the attorney examiner called this matter for hearing. The complainant did not appear. Ohio Edison was represented by counsel. Counsel stated at the hearing that Ohio Edison intended to file a motion to dismiss the complaint on the grounds that it had satisfied the complaint. The attorney examiner continued the hearing until June 27, 2011, to allow Ohio Edison to file its motion.
- (13) On June 27, 2011, the attorney examiner called the matter for hearing again. In anticipation of a motion to dismiss, the attorney examiner continued the hearing indefinitely. On the same day, Ohio Edison filed a motion to dismiss. Pursuant to Rule 4901-9-01(F), O.A.C., Ohio Edison asserted that the complaint had been resolved and that the complainant has 20 days to file a written response.
- (14) Ohio Edison's motion to dismiss the complaint pursuant to Rule 4901-9-01(F), O.A.C., should be granted. Twenty days have passed since the filing of its motion asserting that the complaint has been satisfied. The complainant has not responded. In accordance with the rule, the Commission shall presume that the issues have been resolved and that it is appropriate to dismiss the complaint.

It is, therefore,

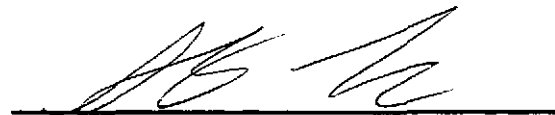
ORDERED, That, in accordance with Finding (14), Ohio Edison's motion to dismiss be granted and that the complaint be dismissed without prejudice. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

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Paul A. Centolella

  
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Steven D. Lesser


  
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Andre T. Porter

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Cheryl L. Roberto

LDJ/vrm

Entered in the Journal

**AUG 03 2011**

  
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Betty McCauley  
Secretary