

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of David Poole,)	
)	
Complainant,)	
)	
v.)	Case No. 11-3875-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 23, 2011, David Poole (Mr. Poole) filed a complaint against Ohio Edison Company (Ohio Edison), alleging that his February 2011 electric bill "was about ten times the normal amount." Mr. Poole believes that this is in error, as the residence has been vacant, with minimal lighting and no electric usage for heat or appliances. Mr. Poole adds that there are no exterior outlets at the home and that no one has broken into the home. Mr. Poole states that he has made arrangements to pay the bill "under protest" and in lieu of disconnection. He seeks the Commission's assistance in the matter.
- (2) Ohio Edison filed its answer on July 13, 2011. Ohio Edison denies that Mr. Poole's February 2011 bill is incorrect due to a faulty meter or any other error on its part. Further, Ohio Edison adds, Mr. Poole's bill for January 14, 2011, to February 11, 2011, was based on an actual meter read. Ohio Edison denies any remaining allegations made by Mr. Poole.
- (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 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 September 12, 2011, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, Columbus, Ohio 43215-3793. The parties 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.
- (5) 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 settlement conference be scheduled for September 12, 2011, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Legal Conference Room 1247, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn
James M. Lynn
Attorney Examiner

gah
/dah

Entered in the Journal

AUG 08 2011

Betty McCauley

Betty McCauley
Secretary