

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of TMT)	
Warehousing, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 10-942-EL-CSS
)	
The Toledo Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 7, 2010, as corrected July 8, 2010, TMT Warehousing, Inc. (TMT) filed a complaint against The Toledo Edison Company (TE) alleging that upon replacing the meter at TMT's premise, TE began overcharging TMT for service. Specifically, TMT asserts that prior to the meter replacement, its bills averaged approximately \$9,256.88 per month, but after the meter was replaced, bills for the months from September 2009 through March 2010 totaled over \$20,000 each. TMT states that upon making contact with TE, it determined that it was being incorrectly serviced and billed and following adjustments, TMT's bills for electric service have returned to prior levels below \$7,000. TMT requests that it be refunded overpayments that it made during the time it believes it was erroneously billed.
- (2) On July 28, 2010, TE filed its answer to the complaint, stating that TMT's meter was changed on or about June 23, 2009, but avers that the meter change was unrelated to the increased bills subsequently experienced by TMT which it states began with the bill dated September 22, 2009. Moreover, TE agrees that TMT experienced elevated bills until April 2010, after which subsequent bills have ranged from \$7,000 to \$9,000. TE states that changes in TMT's bills are solely based on changes to TMT's operations. In sum, TE states that it has not violated any statute, rule, or tariff provision, and has complied with all rules, regulations, and orders of the Commission. TMT also requests that TMT's complaint be dismissed.

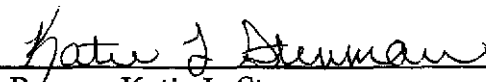
- (3) By entry issued June 21, 2011, this matter was scheduled for a hearing to commence on August 10, 2011.
- (4) On August 9, 2011, the parties filed a joint notice of settlement, indicating that they have settled the issues raised in this complaint, but will need additional time to complete the settlement transaction and file a joint motion to dismiss.
- (5) In light of the filing of the joint notice of settlement, the attorney examiner finds that the August 10, 2011, hearing should be held in abeyance pending the filing and Commission consideration of a joint motion to dismiss.

It is, therefore,

ORDERED, That the hearing currently scheduled for August 10, 2011, be held in abeyance pending the filing and Commission consideration of a joint motion to dismiss. It is, further,

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

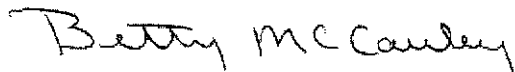
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Katie L. Stenman
Attorney Examiner

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Entered in the Journal

AUG 09 2011


Betty McCauley
Secretary