

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Carl)	
Juergens et al.,)	
)	
Complainants,)	
)	
v.)	Case No. 11-5231-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 22, 2011, Carl Juergens and Nancy Jastatt-Juergens (complainants) filed a complaint against Ohio Edison Company (Ohio Edison). In their complaint, the complainants allege that they are owners of a garage attached to real property located at 4303 State Route 7 NE in Burghill, Ohio.

The complainants allege that on or about May 26, 2009, the garage was destroyed by an electrical fire. The complainants allege that Ohio Edison determined that the cause of the fire was a 7,200 volt "line to ground fault." According to the complainants, an Ohio Edison investigation concluded that a squirrel contact led to the explosion of a transformer. The complainants contend that failed safety features allowed electricity to flow to the garage causing a fire. The complainants claim that Ohio Edison violated Rule 4901:1-10-27, Ohio Administrative Code (O.A.C.), because it failed to inspect, maintain, and repair its transmission and distribution facilities. Relying upon Rule 4901:1-10-27, O.A.C., the complainants argue that the likelihood of severe damage imposed a duty upon Ohio Edison to repair its facilities. The complainants identify Ohio Edison's failure to inspect and repair its facilities as the proximate cause of the fire. For its loss, the complainants seek compensatory damages pursuant to Rule 4901:1-10-30, O.A.C.

- (2) Ohio Edison filed an answer to the complaint on October 12, 2011. For its answer, Ohio Edison denied all material allegations in the complaint and asserted affirmative defenses.
- (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, O.A.C., 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.

Accordingly, a settlement conference shall be scheduled for November 29, 2011, at 1:30 p.m., in Room 1247 in the offices of the Commission, 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.

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.

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.*, 5 Ohio St. 2d 189 (1996).

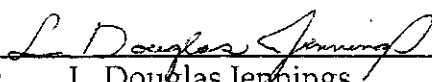
It is, therefore,

ORDERED, That, in accordance with Finding (3), the parties appear for a mediated settlement conference to be held on November 29, 2011, at 1:30 p.m. in Room 1247 in the

offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That copies of this entry be served upon all parties and interested persons of record.

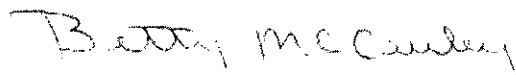
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner


/vrm

Entered in the Journal

NOV 02 2011


Betty McCauley
Secretary