

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|--|---|-------------------------|
| In the Matter of the Complaint of Columbus |) | |
| Brock, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 11-6085-EL-CSS |
| |) | |
| Ohio Edison Company, |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) On December 29, 2011, Columbus Brock (Mr. Brock) filed a complaint against Ohio Edison Company (Ohio Edison). Mr. Brock contends that he had contacted Ohio Edison, explained that he was to be paid in early December, and requested that, because of his medical condition, his power not be shut off at 943 Bradford Drive, in Elyria, Ohio. Despite this, he alleges, Ohio Edison shut off his power after providing 24-hour notice. Mr. Brock closes by stating that he seeks compensation from Ohio Edison.
- (2) Ohio Edison answered the complaint on January 18, 2012. Ohio Edison admits that it disconnected Mr. Brock's service for nonpayment on November 18, 2004, and states that Mr. Brock's account was closed on November 28, 2004. Ohio Edison adds that another individual received service at the property from November 29, 2004, to December 1, 2005, and that service to Mr. Brock resumed at 943 Bradford Drive in Elyria, Ohio, on November 6, 2006. Ohio Edison denies any other allegations made by Mr. Brock.
- (3) 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 (O.A.C.), any statements made in an attempt to settle this matter 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for February 29, 2012, at 10:30 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, 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) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) 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 February 29, 2012, at 10:30 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, 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

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jjh

Entered in the Journal

JAN 30 2012

Betty McCauley
Betty McCauley
Secretary