

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint 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 nearly ten times higher than normal, and that this was in error, because the residence was vacant. Mr. Poole added that he had paid the bill under protest and only because of pending disconnection.
- (2) Ohio Edison filed its answer on July 13, 2011. Ohio Edison denied that Mr. Poole's February 2011 bill was incorrect due to a faulty meter or any other error on its part. Ohio Edison added that Mr. Poole's bill for January 14, 2011, to February 11, 2011, was based on an actual meter read. Ohio Edison denied any remaining allegations made by Mr. Poole.
- (3) By entry issued August 8, 2011, the attorney examiner scheduled a September 12, 2011, settlement conference. The parties participated in the conference but were unable to resolve matters.
- (4) By entry issued November 2, 2011, the attorney examiner scheduled a December 13, 2011, hearing. However, on December 6, 2011, counsel for the complainant contacted the attorney examiner and stated that the parties had settled matters.
- (5) On February 21, 2012, counsel for Ohio Edison filed a motion to dismiss the complaint. In the motion, Ohio Edison asserts that although counsel for both parties had entered into a settlement

agreement, it has been unable to obtain a joint dismissal. Despite this, Ohio Edison adds, it will credit Mr. Poole's account per the settlement agreement. Ohio Edison considers the complaint to have been satisfied and requests dismissal of the complaint with prejudice.

- (6) On March 6, 2012, Mr. Poole responded to Ohio Edison's motion to dismiss. Mr. Poole observes that Ohio Edison has made inconsistent statements about whether his February 2011 bill was based on an actual or estimated meter reading. He also states that he will not give up his right of appeal.
- (7) Given that the parties have not resolved matters, a hearing shall be scheduled for April 26, 2012, at 11:00 a.m. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, Columbus, Ohio 43215-3793.
- (8) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (9) 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 hearing be scheduled for April 26, 2012, at 11:00 a.m. in Hearing Room 11-D of the Commission offices, 180 East Broad Street, 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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Entered in the Journal

MAR 19 2012

Barcy F. McNeal

Barcy F. McNeal
Secretary