

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of RH)	
Development, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 12-1641-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On May 21, 2012, RH Development, LLC (RH) filed a complaint against The Cleveland Electric Illuminating Company (CEI), alleging that the Commission had allowed CEI to "offer a reduced rate for electric heat," and that, consequently, a building owned by RH "was wired with two meters." RH explains that one of the meters is for heating and air conditioning, while the other meter is for any other electric usage. RH contends that in unoccupied parts of its building "the heat/ac is rarely turned on," yet CEI still collects a minimum service charge for each meter, in addition to a monthly meter charge. RH requests that CEI not charge RH "for the second meter, since it was only installed that way for their purposes."
- (2) On June 11, 2012, CEI filed a motion requesting more time for a responsive pleading, a request for expedited review, and a memorandum in support. CEI explained that it needed additional time to investigate RH's claims and file an answer no later than July 1, 2012. CEI also asserted that RH agreed with CEI's request.
- (3) The attorney examiner granted CEI's motion in a June 13, 2012, entry, extending until the close of business July 2, 2012, to file an answer.

- (4) CEI filed its answer on July 2, 2012. CEI states that "through various Commission orders, discounts for electric heating for certain customers were phased out while other discounts for electric heating were grandfathered or maintained." CEI adds that the RH account did not fall into the class of customers whose electric heating was grandfathered or maintained. CEI admits that there are two meters servicing the RH account and contends that the RH account "is charged a \$7.00 service charge per meter and \$13.68 for up to 5kW of billing demand, plus any applicable riders." CEI denies other allegations made by RH.
- (5) 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 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (6) Accordingly, a settlement conference shall be scheduled for August 7, 2012, at 10:00 A.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.
- (7) 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.

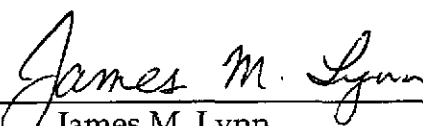
- (8) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a settlement conference be scheduled for August 7, 2012, at 10:00 A.M. at the Commission offices, 180 East Broad Street, 12th floor, 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
Attorney Examiner


/dah

Entered in the Journal

JUL 12 2012



Barcy F. McNeal
Secretary