

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Harriet Shasby,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-2262-EL-CSS
	)	
Ohio Edison Company,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On August 8, 2012, Ms. Harriet Shasby (Ms. Shasby or complainant) filed a complaint against the respondent, Ohio Edison Company (Ohio Edison or respondent). The complainant alleges that, for the three billing periods extending consecutively between October 11, 2011 through March 9, 2012, she was overcharged for electric service to her home due to the fact that, on each occasion, the bill was based on metered consumption that, she alleges, extremely exceeded her historic usage during the more than 40 years she has lived in the home. She further alleges that, ever since a new meter was installed at her home on April 17, 2012, her electric usage has returned to its historic pattern without any anomalies. Ms. Shasby alleges that on April 20, 2012, she received notice from the respondent stating that it: (a) had tested her old meter; (b) determined that the old meter was registering correctly; and (c) concluded that, as a result, all of her previous bills were correct. The complaint describes various steps Ms. Shasby has taken to determine the source of her "electricity hemorrhage." Ms. Shasby asserts that it is a physical impossibility that she could have consumed electricity at the rate reflected in the bills she complains of. As her prayer for relief, Ms. Shasby seeks to recover the overcharges which were reflected on the three bills, which she has calculated to be at least \$612.79.

- (2) Ohio Edison filed an answer to the complaint on August 28, 2012. In its answer, Ohio Edison admits: (a) that the complainant is its customer; (b) that, during the three billing periods covered by the complaint, it billed the complainant for the usage reported in the complaint; (c) that it was contacted by the complainant; and (d) that it both installed a new meter and tested the previous meter. Ohio Edison denies all of the other the allegations contained in the complaint. The respondent, in its answer, sets forth several affirmative defenses, including: (a) that the complaint fails to set forth reasonable grounds for a complaint, inasmuch as the complainant has not alleged that Ohio Edison has violated any statute, tariff provision, rule, regulation, or order of the Commission; and (b) that, according to the respondent, it has at all times relevant to the complaint, acted in accordance with its tariff, all applicable laws and regulations, as well as in accordance with accepted electric industry standards and practices.
- (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 of this complaint 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 discussion. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for October 12, 2012, at 1:30 p.m., in Conference Room 1246, in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) 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.

- (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 prehearing settlement conference be held in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 12-2262-EL-CSS**

Summary: Attorney Examiner Entry scheduling a prehearing settlement conference for 10/12/12 at 1:30 p.m., 12th Flr., Rm. 1246 at the offices of the Commission, 180 E. Broad St., Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio