

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of M and M)	
Steel, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2447-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The Attorney Examiner finds:

- (1) On September 5, 2012, M and M Steel, LLC, (M&M) filed a formal complaint against the Cleveland Electric Illuminating Co. (CEI), alleging that CEI failed to transfer the account in a timely manner and that CEI seeks to hold M&M responsible for an unbilled service amount in excess of \$54,000. M&M denies responsibility for the unbilled service amount and asserts that any attempt to collect the unbilled service amount is in violation of law, unjust, and unreasonable.
- (2) On September 25, 2012, CEI filed its answer. CEI denies the material allegations set forth in the complaint, particularly that it failed to transfer the account in a timely manner and that attempts to collect the \$54,000 are in violation of law, unjust, and unreasonable. CEI asserts that the complaint fails to clearly explain the facts, that the complaint fails to set forth reasonable grounds for complaint, that the complaint fails to state a claim upon which relief can be granted, and that at all times CEI has complied with the Ohio Revised Code and the rules, regulations, and orders of the Public Utilities Commission of Ohio.

- (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 any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for October 30, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1247, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (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.* (1966), 5 Ohio S. 2d 189.

It is, therefore,

ORDERED, That a settlement conference in this case be scheduled in accordance with finding (4). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

JRJ/sc

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in

Case No(s). 12-2447-EL-CSS

Summary: Attorney Examiner Entry ordering a settlement conference to take place on 10/30/12 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1247, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio