

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Elizabeth Milenkovich,)	
)	
Complainant,)	
)	
v.)	Case No. 10-195-EL-CSS
)	
The Cleveland Electric Illuminating Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On February 16, 2010, Elizabeth Milenkovich (complainant) filed a complaint against the Cleveland Electric Illuminating Company (CEI). She alleged that CEI's increased rates for electricity are unjust and unreasonable.
- (2) On March 8, 2010, CEI filed an answer and a motion to dismiss the complaint. In its answer, CEI admitted that Ms. Milenkovich experienced recent bill increases. CEI attributed the increases to the elimination of certain all-electric rates pursuant to proceedings before the Commission.¹
- (3) In CEI's motion to dismiss, CEI summarized the complaint as a challenge to a Commission-approved rate. CEI emphasized that the complainant did not claim that she was charged the wrong rate or that CEI had violated any statute, tariff provision, rule, regulation, or order of the Commission. Relying on Commission precedent, CEI argued that there is a well-established principle that allegations that approved rates

¹ *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Increase Rates for Distribution Service, Modify Certain Accounting Practices, and for Tariff Approvals*, Case No. 07-551-EL-AIR, et al. (Opinion and Order issued January 21, 2009) and *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 08-935-EL-SSO, et al. (Second Opinion and Order issued March 25, 2009).

should not be charged do not establish reasonable grounds for a complaint. In addition, CEI urged the Commission to dismiss the complaint because it failed to request available relief. The complaint sought reversal of a Commission decision. To CEI, the complainant's remedy was not available.

- (4) CEI pointed out that the Commission, since March 3, 2010, had asserted jurisdiction over all-electric rates. In a March 3, 2010, finding and order in Case No. 10-176-EL-ATA, CEI stated that the Commission ordered CEI and its sister companies to reinstitute temporarily all electric rates as they existed in December 2008. CEI noted that the Commission continued to exercise jurisdiction to fashion a long-term solution. CEI recommended that, rather than addressing this issue in a case-by-case manner, the Commission should address disputes like the complainant's in Case No. 10-176-EL-ATA. Pending a result in Case No. 10-176-EL-ATA, CEI advocated that the complaint be dismissed with prejudice.
- (5) On March 16, 2010, the complainant filed a pleading opposing CEI's motion to dismiss.
- (6) CEI filed a reply on March 23, 2010, in which it affirmed the position taken in its motion to dismiss.
- (7) In light of the activity in Case No. 10-176-EL-ATA, the Commission, on September 22, 2010, suspended this case pending a resolution in Case No. 10-176-EL-ATA.
- (8) On May 25, 2011, the Commission issued an opinion and order in Case No. 10-176-EL-ATA. The Commission approved FirstEnergy's² application, which provided interim relief to all-electric customers. The Commission added modifications to provide long-term solutions.
- (9) On January 8, 2013, the attorney examiner scheduled this matter for a settlement conference to occur on February 13, 2013.
- (10) On February 12, 2013, the complainant contacted the attorney examiner by telephone to state that she no longer wishes to proceed with the complaint.

² FirstEnergy includes CEI.

- (11) Upon being advised that the complainant no longer wishes to pursue this matter, the Commission finds that the complaint in this matter should be dismissed.

It is, therefore,

ORDERED, That pursuant to findings (10) and (11), the complaint in this matter is dismissed without prejudice. It is, further,

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

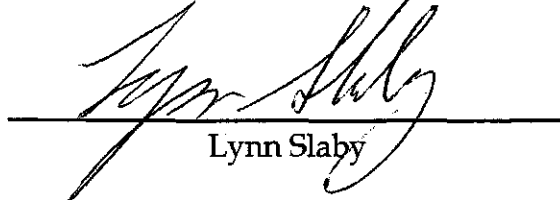
THE PUBLIC UTILITIES COMMISSION OF OHIO



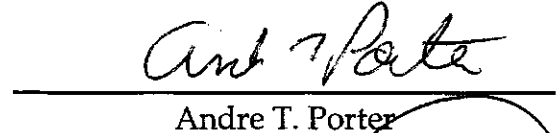
Todd A. Snitchler, Chairman



Steven D. Lesser



Lynn Slaby



Andre T. Porter

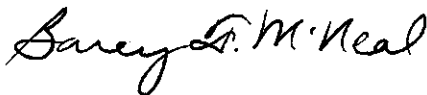


M. Beth Trombold

LDJ/vrm

Entered in the Journal

MAR 13 2013



Barcy F. McNeal
Secretary