

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Gwendolyn Tandy,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-2102-EL-CSS
	)	
Cleveland Electric Illuminating Company,	)	
	)	
Respondent.	)	

ENTRY ON REHEARING

The Commission finds:

- (1) Cleveland Electric Illuminating Company (CEI) is a public utility and electric light company, as defined in Sections 4905.02 and 4905.03, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On March 6, 2013, the Commission issued its Opinion and Order (Order) in this matter concluding that Gwendolyn Tandy (complainant) had not sustained her burden of proof to substantiate her claims against CEI. The Commission concluded that, as of February 2012, Ms. Tandy was not enrolled in the Percentage of Income Payment Plan (PIPP) and her CEI bills correctly reflected her status as a non-PIPP customer. Further, the Commission determined that CEI properly transferred to Ms. Tandy's residential account the charges incurred at 1441 Sulzer Avenue. Finally, the Commission ruled that the Summary of Statements provided to Ms. Tandy were not unreasonable, or a violation of a rule, Commission Order or Ohio law. Accordingly, Ms. Tandy's complaint against CEI was dismissed.
- (3) In accordance with Section 4903.10, Revised Code, and Rule 4901-1-35, Ohio Administrative Code (O.A.C.), any party to a Commission proceeding may apply for rehearing with respect to any matter determined, within 30 days of the entry upon the Commission's journal.

- (4) On April 5, 2013, Ms. Tandy filed a three-page document wherein Ms. Tandy states she disagrees with the dismissal of her complaint against CEI because the Commission did not provide her with counsel. Ms. Tandy also argues that she was unprepared to "stand alone against three attorneys." Further, Ms. Tandy submits that if she had known that no attorney would be there and also be familiar with her case, she would have consulted with an attorney before her hearings. The remainder of the statements made in the filing relate to another complaint filed by Ms. Tandy.
- (5) Ms. Tandy also filed additional information on April 9, 2013. In the April 9, 2013 filing, Ms. Tandy now claims that she believes she called CEI sometime in early February 2011 to request the account for 1441 Sulzer Avenue be taken out of her name. Further, Ms. Tandy submits that the Summary of Statement dated June 28, 2011 to June 28, 2012 (Complainant Ex. 5), Summary of Statement dated July 29, 2011 to July 29, 2012 (Complainant Ex. 1) and the Detailed Statement of Accounts for 1439 Sulzer Avenue (CEI Ex. 1, Attachment E) prove that the account for 1441 Sulzer Avenue was not in Ms. Tandy's name as of June 3, 2011. Ms. Tandy reasons that the debt was transferred to her account after the account for 1441 Sulzer Avenue was taken out of her name. Ms. Tandy argues that the \$269.08 of charges incurred at 1441 Sulzer Avenue should not have been transferred to her residential account at 1439 Sulzer Avenue.
- (6) On April 15, 2013, CEI filed a memorandum in response. CEI requests that if the Commission treats Ms. Tandy's April 5, 2013, filing as an application for rehearing, that the Commission take no action, given that the application has no merit, and allow the matter to be denied by operation of law pursuant to Section 4903.10, Revised Code. In support of its argument, CEI notes that, among other deficiencies, the document has no title, no specific request and no explanation of what the complainant believes the Commission has done wrong. CEI also reasons that the Commission is not required to appoint counsel to represent the complainant. Further, CEI argues that even if there was any such duty by the Commission, the time to raise the argument is well in advance of the hearing. Thus, CEI requests that the Commission take no

action on the letter filed by Ms. Tandy and permit the Order to stand.

- (7) The Commission finds that even if the filings by Ms. Tandy are generously interpreted as an application for rehearing, no good argument was presented to justify reconsideration by the Commission. First, there is no provision in Title 49, Revised Code, or the Commission rules adopted thereunder, which requires or permits the Commission to provide a complainant with counsel in a complaint proceeding. Accordingly, Ms. Tandy's arguments regarding legal representation for her complaint case or her understanding of the Commission's complaint process fails to persuade the Commission that the Order is unjust, unreasonable, or in violation of Ohio law.
- (8) Second, the Commission notes that pursuant to Section 4903.10, Revised Code, and Rule 4901-1-35, O.A.C., Ms. Tandy's filing of April 9, 2013, was late and, therefore, should not be considered by the Commission. As CEI correctly notes in its response, the Commission has no power to entertain an application for rehearing filed after the expiration of the 30-day period, *Greer v. Pub Util Comm.*, 172 Ohio St. 361, 362 (1961). Furthermore, even if the Commission were to consider the arguments made in Ms. Tandy's untimely April 9, 2013, filing we find the claims to be without merit. Based on the evidence presented, when the charges at issue were incurred at 1441 Sulzer Avenue, Ms. Tandy was the customer of record and responsible for the charges on the account. The fact that the charges were transferred to Ms. Tandy's residential account at 1439 Sulzer Avenue at a time when the account for 1441 Sulzer Avenue was no longer in her name is irrelevant. For these reasons, we deny the request for rehearing of the March 6, 2013, Order in this matter.

It is, therefore,

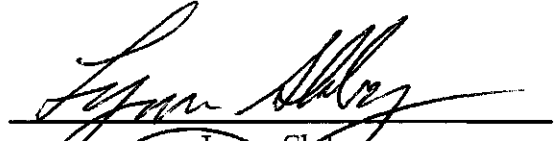
ORDERED, That Ms. Tandy's request for rehearing is denied. It is, further,

ORDERED, That a copy of this Entry on Rehearing be served upon all persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Lynn Slaby

  
M. Beth Trombold

GNS/vrm

Entered in the Journal

**MAY 01 2013**



Barcy F. McNeal  
Secretary