

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Paul	)	
Brown,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-1004-EL-CSS
	)	
Ohio Edison Company,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 22, 2013, Paul Brown (complainant) filed a complaint against Ohio Edison Company (Ohio Edison or respondent) concerning a billing dispute. Mr. Brown alleges that his bills for December 2012 and January 2013 were abnormally high. He asserts that his bills for December 2012, January 2013, and February 2013 were estimated bills. Because his estimated billings were abnormally high, Mr. Brown questions Ohio Edison's ability to estimate billings reasonably.

In his complaint, Mr. Brown mentions that in 2011 Ohio Edison sought to collect \$132.44. Mr. Brown contends that the dispute was resolved in his favor because he ultimately owed nothing. He further contends that Ohio Edison removed the debt from his credit reports. He alludes to another billing in June 2012, in an amount over \$1,300. He claims that this dispute was also resolved in his favor. In December 2012, Mr. Brown alleges that another billing dispute was resolved in his favor.

- (2) Ohio Edison filed an answer on May 13, 2013. Ohio Edison admits that it credited the complainant's account in the amount of \$132.44. Ohio Edison claims that it did so to resolve the dispute. Ohio Edison rejects the complainant's conclusion that he owed nothing.

Ohio Edison admits that the complainant filed a complaint in 2012 (Case No. 12-2582-EL-CSS), in which he alleged that he

was overbilled for service in June 2012. Ohio Edison states that the case was settled but denies that it was resolved in the complainant's favor.

Ohio Edison admits that it estimated the complainant's bills for December 2012 and February 2013 but denies that the January 2013 bill was based on estimated usage. Ohio Edison denies all other material allegations of the complaint.

- (3) At this time, 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 statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to provide liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for June 25, 2013, at 1:00 p.m. in Room 1246 in the offices of the Commission, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. 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.
- (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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on June 25, 2013, at 1:00 p.m. in Room 1246 in the offices of the Commission, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. 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/ L. Douglas Jennings

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By: L. Douglas Jennings  
Attorney Examiner

jrj/vrm

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**in**

**Case No(s). 13-1004-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference on June 25, 2013, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio