

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|---------------------------------|---|-------------------------|
| In the Matter of Michelle Sims, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 13-1368-EL-CSS |
| |) | |
| Ohio Edison Company, |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) On June 13, 2013, Michelle Sims (Ms. Sims) filed a complaint against Ohio Edison Company (Ohio Edison) regarding incorrect charges on her account. According to Ms. Sims, in 2011 approximately \$600.00 was added to her bill while she resided at 301 Kenridge Road, in Fairlawn, Ohio, even though she had fully paid a prior bill and paid a security deposit to be removed from the Percentage of Income Payment Plan (PIPP). She adds that Ohio Edison informed her that the charges were from service received in 2006 when she was placed on PIPP at her previous address, 1172 W. Waterford Court, in Akron, Ohio. Ms. Sims contends that she did not sign up for PIPP until 2008 and that, despite her inquiries, she has been unable to obtain copies of any 2006 bills indicating that she owes \$600.00.
- (2) Ohio Edison filed its answer on July 1, 2013. Ohio Edison asserts that \$680.11 was transferred to Ms. Sims' account for service at 1780 W. Waterford Court, not 1172 W. Waterford Ct., in Akron, Ohio. Ohio Edison adds that Ms. Sims had service at 1780 W. Waterford Ct. from May 24, 2002, to February 7, 2006, during which time she was on PIPP. Ohio Edison denies all other contentions made by Ms. Sims.

- (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 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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for August 12, 2013, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. 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 on 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 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 scheduled for August 12, 2013, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/29/2013 1:52:12 PM

in

Case No(s). 13-1368-EL-CSS

Summary: Attorney Examiner Entry ordered a settlement conference for 08/12/2013, 10:00 a. m. at the Commission offices, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio