

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
American Wire and Cable Company,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1613-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 11, 2013, American Wire and Cable Company (AWACC) filed a complaint against The Cleveland Electric Illuminating Company (CEI) concerning electric service at its Olmsted Township facility. In its complaint, AWACC alleges that it experienced high voltage circuit protection interruptions for a period of time ending in mid-January 2013. Thereafter, on July 31, 2013, CEI filed its answer denying the material allegations of the complaint.
- (2) By entry issued August 9, 2013, the attorney examiner scheduled a settlement conference for September 12, 2013. Thereafter, by entry issued August 27, 2013, the attorney examiner continued the settlement conference until September 26, 2013, at CEI's request due to a scheduling conflict.
- (3) Thereafter, on September 20, 2013, CEI filed a motion to continue the settlement conference and a request for an expedited ruling. In its motion, CEI explains that, as of the time of filing, AWACC had not yet provided responses to discovery that were due August 30, 2013. Further, CEI notes that AWACC indicated the discovery responses were forthcoming, but did not indicate specific timing. CEI argues that, without the information requested in discovery, CEI will

be unable to evaluate the claims and engage in meaningful settlement and procedural discussions on September 26, 2013.

- (4) The attorney examiner finds that CEI's motion to continue the settlement conference is reasonable and should be granted. Accordingly, the settlement conference shall be rescheduled for October 29, 2013, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Hearing 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), Ohio Administrative Code, 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. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That the matter be rescheduled for a settlement conference on October 29, 2013, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Hearing Room 1247, 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/Mandy W. Chiles

By: Mandy Willey Chiles
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-1613-EL-CSS

Summary: Attorney Examiner Entry granting motion to continue and rescheduling settlement conference for 10/29/2013 at 1:00 p.m. - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio