

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Robert	)	
Ferguson,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-2883-EL-CSS
	)	
The Cleveland Electric Illuminating	)	
Company,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On October 31, 2012, Robert Ferguson (complainant) filed a complaint alleging that The Cleveland Electric Illuminating Company (CEI) was attempting to charge him fees for unbilled electricity usage and tampering.
- (2) On November 20, 2012, CEI filed an answer denying the allegations in the complaint.
- (3) A settlement conference was convened in this matter on February 13, 2013, at the offices of the Commission. Subsequently, a second settlement conference was convened telephonically on September 6, 2013.
- (4) On November 7, 2013, CEI filed a motion to dismiss the complaint. In the motion, CEI states that a settlement was reached at the February 13, 2013, settlement conference and that counsel for CEI subsequently sent the settlement agreement and a joint motion to dismiss to the complainant. However, complainant failed to return those documents to CEI.
- (5) CEI states that, on September 6, 2013, during the telephonic, second settlement conference in this matter, CEI and the complainant discussed the settlement agreement. At that time, complainant indicated that he needed another copy of the settlement agreement. CEI states that, on that same day, its

counsel sent another copy of the settlement agreement to the complainant. However, despite the fact that CEI is ready, willing, and able to comply with the settlement agreement, and satisfy complainant's concerns, it has been unable to obtain a joint dismissal.

- (6) CEI states that it will comply with the settlement agreement and remove certain charges from complainant's final bill, thus alleviating any need for a hearing. Further, as the complaint has been satisfied, under Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.), CEI requests that the Commission dismiss the complaint, at a minimum, without prejudice.
- (7) Rule 4901-9-01(F), O.A.C., provides that, if the public utility complained against files an answer or motion which asserts that the complaint has been satisfied and no response is filed within 20 days, the Commission may presume that satisfaction has occurred and dismiss the complaint. No response to CEI's motion has been filed. Accordingly, this case should be dismissed.

It is, therefore,

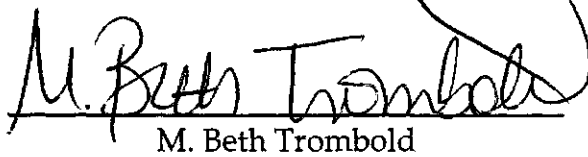
ORDERED, That this case be dismissed without prejudice. It is, further,

ORDERED, That a copy of this entry be served on each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
M. Beth Trombold

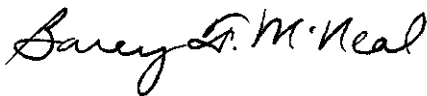
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Lynn Slaby

  
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Asim Z. Haque

KKS/vrm

Entered in the Journal

**DEC 04 2013**

  
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Barcy F. McNeal

Barcy F. McNeal  
Secretary