

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--------------------------------------|---|-----------------------|
| In the Matter of Stanley F. Krysiak, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 14-91-EL-CSS |
| |) | |
| The Cleveland Electric Illuminating |) | |
| Company, |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) On January 15, 2014, the complainant, Stanley F. Krysiak, filed a complaint against the respondent, The Cleveland Electric Illuminating Company (CEI), alleging that he was overcharged for residential electric service for the period of June 2009, through November 2013, as the result of his account being incorrectly billed at a commercial rate during the period. The complainant asserts that, beginning in June 2009, the rate on his account with CEI was changed, without his knowledge, from residential service to commercial service. He avers that the rate charged was corrected and changed back to the residential rate, effective December 2013. The complainant is seeking reimbursement for the 53 months of overcharges.
- (2) On February 3, 2014, the respondent timely filed its answer. In its answer, the respondent admits that the complainant has an account with CEI at the address named in the complaint. CEI denies that the rate on the account was changed from residential to commercial service in June 2009, and also denies that the complainant was overcharged. CEI claims that it updated the complainant's account and changed the rate on the account to residential effective August 2013. Beyond this, CEI denies all of the other allegations in the complaint. Further, CEI's answer sets

forth affirmative defenses including: (a) that the complaint fails to set forth reasonable grounds for complaint; (b) that the complaint fails to allege that CEI has violated a rule or statute applicable to it; (c) that the complaint fails to state a claim upon which relief can be granted; and (d) that CEI has, at all times relevant to the complaint, complied with the Revised Code, the rules, regulations, and orders of the Commission, and its tariffs on file with the Commission. Further, CEI requests dismissal of the complaint.

- (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 of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, 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 discussion. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for April 10, 2014, at 10:00 a.m., in Conference Room 1246, in the offices of the Commission, 12th, Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), 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 prehearing settlement conference be held in accordance with Finding (4). 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

SEF/sc

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in

Case No(s). 14-0091-EL-CSS

Summary: Attorney Examiner Entry schedules a 10:00 a.m. prehearing settlement conference to be held on 04/10/2014 at the offices of the Commission, 180 E. Broad, St., 12th Flr., Rm. 1246, Columbus, OH. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio