

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of TRE Properties LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 14-130-EL-CSS
	)	
Ohio Edison,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On January 27, 2014, Complainant, TRE Properties LLC (TRE), filed a complaint against Respondent, Ohio Edison Company (Ohio Edison). TRE identifies itself as a property management company that owns no real estate, but manages properties for other entities. Among other things, the complaint pertains to whether TRE has been wrongfully billed and/or charged by Respondent for electric service on accounts that it claims it did not open, at properties that it manages, under lease provisions that hold tenants responsible for their own utilities.
- (2) On February 18, 2014, Respondent filed its answer, generally denying most of Complainant's substantive allegations and setting forth affirmative defenses. Briefly summarized, Respondent's position appears to be that, in certain circumstances at issue in this case, it provided electric service that has not been paid for, and for which it believes it is legally entitled to receive payment, because such service was consumed at the properties involved while shared metering existed. Respondent also acknowledges that, in certain other circumstances where it has not been paid for service provided at one of the involved properties during a period in which it was mistaken in its belief that shared metering existed, it has agreed not to hold Complainant or any tenant(s) responsible for charges.

- (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 Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for June 3, 2014, at 1:00 p.m. in Conference Room 1247 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may 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 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 settlement conference be held on June 3, 2014, at 1:00 p.m. in Conference Room 1247 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215.

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 E. Fullin

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

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**Case No(s). 14-0130-EL-CSS**

Summary: Attorney Examiner Entry scheduling a prehearing settlement conference for 06/03/2014, 1:00 p.m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1247. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio