

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Pete)	
Spooner and Cindy J. Bias,)	
)	
Complainants,)	
)	
v.)	Case No. 13-1583-EL-CSS
)	
Ohio Edison Company)	
and)	
FirstEnergy Solutions Corp.,)	
)	
Respondents.)	

ENTRY

The attorney examiner finds:

- (1) On July 5, 2013, Pete Spooner and Cindy J. Bias (Complainants) filed a complaint against Ohio Edison Company (Ohio Edison) and FirstEnergy Solutions Corp. (FES) (collectively Respondents). The Complainants allege that Ohio Edison unlawfully switched their electricity service supplier to FES without their consent and failed to provide them with a copy of their bill. The Complainants also contested the accuracy of their bill.
- (2) The Respondents filed a joint answer on August 5, 2013. In their answer, the Respondents allege that the Complainant Pete Spooner was enrolled with FES as his Competitive Retail Electric Service (CRES) supplier on October 21, 2010. The Respondents claim that the enrollment was part of the Erie County Government Aggregation Program.

Challenging the Complainants' assertion that their billing was inaccurate, the Respondents point out that Ohio Edison tested the Complainants' meter. The results showed that the meter tested at 99.98 percent accuracy.

In agreement with the Complainants, the Respondents admit that Complainant Spooner's supplier was switched from FES to Ohio Edison's standard service offer on March 27, 2013.

- (3) By entry issued September 10, 2013, the attorney examiner scheduled this matter for a settlement conference. The parties appeared for the settlement conference, as scheduled, on October 17, 2013. The parties did not reach an agreement.
- (4) On March 27, 2014, the attorney examiner issued an entry requesting that the Complainants file, by April 10, 2014, a statement of intent to proceed to hearing; otherwise, the attorney examiner would recommend that the complaint be dismissed.
- (5) On May 1, 2014, the Complainants filed a letter stating that they wish to proceed with the complaint. The letter shall be accepted as if timely filed.
- (6) The attorney examiner finds that the Complainants have presented reasonable grounds for complaint. Accordingly, a hearing shall be scheduled for July 2, 2014, at 10:00 a.m. in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (7) Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (8) 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 hearing be scheduled for July 2, 2014, at 10:00 a.m. in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding (7). 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/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1583-EL-CSS

Summary: Attorney Examiner Entry scheduling hearing for July 2, 2014; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio