

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Jimmy Hayes,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1662-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.
- (2) The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.
- (3) On September 23, 2015, Complainant, Jimmy Hayes, filed a complaint against CEI alleging that it has failed to meet its obligation to return his security deposit, in an amount of \$5,900.00, plus interest. Attached to the complaint is a copy of a receipt for payment of the security deposit, dated October 10, 1996.
- (4) CEI filed its answer on October 12, 2015. In its answer, CEI admits that Complainant has made a request for a refund of a \$5,900 security deposit made in 1996. CEI acknowledges that the security deposit receipt indicates that, upon the closing of the account, the company would apply the deposit to the final bill. CEI submits that, in 1998, the Commission adopted a rule that required annual review of each account for which a

deposit is being held and prompt refund of the deposit if, during the preceding 12 months, the customer had not been disconnected or late on payment more than two times. CEI claims that its review of the account records from 2003 until the account was closed reveals no record of a security deposit being held or of interest being paid. This has lead CEI to conclude that Complainant "would have been refunded the deposit or it would have been applied to his account prior to 2003 in accordance with Commission rules."

- (5) 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.
- (6) Accordingly, a settlement conference shall be scheduled for February 4, 2016, at 1:30 p.m. in Conference Room 1247 of 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.
- (7) 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.
- (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 settlement conference be held on February 4, 2016, at 1:30 p.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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 E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-1662-EL-CSS

Summary: Attorney Examiner Entry that schedules a prehearing settlement conference - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.