

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 13, 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) A settlement conference was held on February 4, 2016. However, the parties were unable to resolve the dispute at that time.
- (6) The attorney examiner finds that reasonable grounds for complaint have been stated and that this case should be scheduled for a hearing on April 20, 2016, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (7) All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.
- (8) 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.
- (9) 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 held as set forth in Finding (6). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (7). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (8). It is, further,

ORDERED, That a copy of this Entry be served upon all parties 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 orders a hearing be held as set forth in Finding (6); that discovery be conducted in accordance with Finding (7); and that any party intending to present expert testimony comply with Finding (8) - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.