

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Empress Candace Kinyetta Spencer-Dey,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1729-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The Commission 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 October 7, 2015, Empress Candace Kinyetta Spencer-Dey (Complainant) filed a complaint against CEI. The Complainant alleges that CEI shut off her electric service, and, in doing so, violated her rights.
- (4) The complaint begins by referring to a letter, marked as Exhibit 1, dated July 17, 2015, from CEI notifying the Complainant that electric service was being consumed without an application for service. CEI warned the Complainant that it would initiate the termination of service on July 30, 2015, if no application for service were submitted. The letter stated that the Complainant could apply for service by calling Customer Service or by using the company's website. After the July 17, 2015 letter, CEI delivered a notice to the Complainant dated August 7, 2015.

The notice, marked as Exhibit 3 of the complaint, warned the Complainant that service was scheduled for disconnection on August 11, 2015.

- (5) The complaint, in Exhibit 2, shows the Complainant's response to CEI's service termination notices. The first response was written on behalf of the Complainant by an organization called "Moabite International." The July 21, 2015 response, entitled "Affidavit of Truth," acknowledges the Complainant's receipt of CEI's July 17, 2015, notice. Moabite International rejected the concept of contract and demanded that CEI continue electric service to the Complainant without interruption.
- (6) Following the demand of Moabite International, the Complainant issued her own response to CEI's notices to apply for electric service (Exhibit 4 of the complaint). Exhibit 4, entitled "Affidavit of Truth," is dated August 8, 2015. In it, the Complainant acknowledges receiving CEI's July 17, 2015 and August 7, 2015 notices. However, the Complainant does not respond to CEI's urging to apply for electric service. Instead, the Complainant makes reference to potential violations of Constitutional rights, includes vague comments concerning contractual matters, and threatens monetary penalties if CEI fails to respond to the Complainant's Affidavit of Truth.
- (7) In a letter dated August 18, 2015, CEI informed the Complainant that it received her application for service but service was denied for failure to provide supporting documents and identifying information. A copy of CEI's letter is attached to the complaint as Exhibit 6.
- (8) In an Affidavit of Truth dated August 18, 2015, the Complainant acknowledges to CEI that she received CEI's July 17, 2015 and August 7, 2015 notices. As responses to those notices, the Complainant points to Moab International's response on her behalf and her August 8, 2015 Affidavit of Truth. Through certified mail receipts, the Complainant confirmed that CEI received the responses to its shut off notices prior to the August 11, 2015 shut off date. Because the Complainant claims to have contested the threatened disconnections prior to the shut off date, she believes that CEI should not have disconnected her service. In an Affidavit of Truth, dated September 24, 2015, included with the complaint,

the Complainant stated that CEI shut off her electricity on August 14, 2015.

- (9) In her Affidavit of Truth dated August 18, 2015, the Complainant proclaims that she is an indigenous person of the Moor Empire. She explains that she does not possess a state identification card, driver's license, birth certificate, passport, visa, or social security card. Because of her indigenous status, she rejects any notion of entering into a contract with CEI. For failure to restore service, the Complainant claims entitlement to \$100,000,000, plus daily fines of \$100,000.
- (10) On October 27, 2015, CEI filed a motion to dismiss. In support of its motion to dismiss, CEI states that the complaint has been resolved by CEI restoring electric service to the Complainant's residence. CEI referred to Ohio Adm.Code 4901-9-01(F) which allows the Commission to presume that settlement has occurred if a complainant does not file a response, within a period of 20 days, disagreeing with an assertion of settlement.
- (11) On November 4, 2015, the Complainant filed an Affidavit of Truth in which she complained that CEI did not accept her application for electric service as complete. The Complainant explains that CEI rejected the documentation she submitted to support her identity. Relying on an attached affidavit dated September 18, 2015, the Complainant believes that she provided all the information requested by CEI. To verify her identification, the Complainant referred to an Indigenous Moor identification. As an alternate identification, the Complainant simply referred to "lawful and constructive notice," "archetype (act of state)," and "judicial notice."
- (12) The Complainant states that her mother attempted to have service placed in her own name. The mother believed CEI discriminated against her daughter for religious reasons. The Complainant states that CEI charged her mother \$257.76. CEI had previously charged and returned this amount to the Complainant. The Complainant demands that \$257.76 be returned to her mother.
- (13) On November 13, 2015, CEI filed a renewed motion to dismiss. CEI reiterates that the complaint has been resolved by restoration of service to the Complainant's residence and that the complaint fails to state reasonable grounds. In its October

27, 2015 motion to dismiss, CEI moved for dismissal pursuant to Ohio Adm.Code 4901-9-01(F). Although the Complainant filed an Affidavit of Truth on November 4, 2015, CEI finds that the Complainant did not respond to the motion to dismiss. CEI points out that the Complainant admits that service has been restored in her mother's name. CEI charged the Complainant's mother \$257.76 to restore service. CEI adds that the Complainant admits that CEI returned the Complainant's check for \$257.76, thus there is nothing to refund to the Complainant. To the extent that the Complainant seeks a refund for her mother, CEI argues that the Complainant lacks standing to file a complaint on her mother's behalf. Because the Complainant has not alleged that CEI has violated any statute, rule, or order, CEI concludes that the Complainant has failed to state reasonable grounds and, therefore, the complaint should be dismissed.

- (14) The Complainant filed a response to CEI's renewed motion to dismiss on November 30, 2015. The Complainant emphasizes that she is not a citizen of the United States. Instead, she claims to be a Moor of the Indigenous Moor Empire. As such, she claims to be exempt from having to enter into a contract for service with CEI.
- (15) The Complainant rejects CEI's assertion that restoration of service is sufficient for satisfaction and dismissal of the complaint. The Complainant believes that service should not have been shut off. To the Complainant, CEI's return of her check for \$257.76 is an admission that she never owed CEI, that the return of the check is, in effect, a forgiveness and that her mother's payment should be returned. In her response to CEI's renewed motion to dismiss, the Complainant repeats the factual narrative of her complaint to conclude that CEI violated her due process rights under the United States Constitution.
- (16) The Commission finds that the complaint fails to state reasonable grounds and should be dismissed. Assuming the facts alleged in the complaint are true and the documents attached to the complaint are accurate, the Commission is led to conclude that CEI committed no act that would entitle the Complainant to any relief. At issue is whether CEI disconnected service in an improper manner, whether CEI

failed to restore service in a proper manner, and whether CEI should refund \$257.76 to the Complainant's mother.

- (17) As admitted by the Complainant, CEI warned the Complainant by letter, on July 17, 2015, that she would need to apply for service; otherwise, CEI would initiate termination of service on July 30, 2015. The letter directed the Complainant to contact Customer Service or apply via the company's website. The Complainant did not apply for service. Instead, on July 21, 2015, on behalf of the Complainant, Moabite International directed a document entitled Affidavit of Truth to Charles E. Jones.¹ Moabite International rejected the concept of contract and demanded continuation of service. The Complainant's response, through an entity lacking in standing, was not directed to Customer Service, does not adhere to the instructions in CEI's letter and was not an application for service. Consequently, the Complainant's correspondence did nothing to prevent the initiation of the process for service termination.

On August 7, 2015, CEI issued a disconnection notice. The notice directed the Complainant to contact Customer Service if an application were incomplete or not filed. The Complainant contends that she responded to the disconnection notice by an Affidavit of Truth dated August 8, 2015. The Affidavit of Truth is ineffective as a response to CEI's disconnection notice. Rather than contesting any allegations in the disconnection notice, the Affidavit of Truth demands a response from CEI and threatens it with financial penalties. As with the prior communication on behalf of the Complainant, the Affidavit of Truth is misdirected to Charles E. Jones, not Customer Service. Thus, the Complainant did nothing to halt disconnection. On August 14, 2015, CEI disconnected the Complainant's service.

- (18) The Complainant argues that CEI should have restored service upon receiving the Complainant's application. The complaint, however, shows that the Complainant did not satisfy the application terms. CEI's application process for electric service includes the completion of an affidavit. The Complainant included, with her complaint, a copy of the affidavit that she submitted to CEI. The Complainant denies having the most

¹ Charles E. Jones is the President and Chief Executive Officer of FirstEnergy Corp.

basic identification documents, such as a driver's license, birth certificate, passport, or social security card. For this reason, the Complainant did not and could not complete the affidavit for service. Because the Complainant did not provide adequate proof of identity, CEI could not restore service in the Complainant's name.

- (19) The Complainant acknowledges in her November 30, 2015 filing that service has been restored. The Complainant reveals that service was restored in her mother's name. She protests that her mother, who paid \$257.76, should not have been charged to restore service. The Complainant argues that the return of her check nevertheless constitutes payment in full and no other funds were needed to restore service. The Complainant's allegations show that service was restored in Complainant's mother's name. She bore the costs of restoring service. Therefore, there is no basis for a refund.
- (20) In sum, the Complainant has failed to show reasonable grounds for complaint concerning the termination or restoration of her electric service. Nor has the Complainant set forth any basis for the issuance of a refund to her mother. Having failed to meet the standard set by R.C. 4905.26, the complaint may not proceed to hearing. Similarly, the Commission finds merit in CEI's motion and renewed motion to dismiss the complaint for failure to state reasonable grounds. The motion should be granted.

It is, therefore,

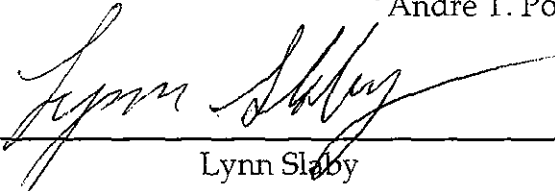
ORDERED, That the Complainant fails to state reasonable grounds for complaint pursuant to R.C. 4905.26 and may not proceed to hearing. It is further,

ORDERED, That CEI's motion and renewed motion to dismiss the complaint be granted. It is, further,

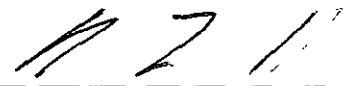
ORDERED, That a copy of this Entry be served upon the parties and interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Andre T. Porter, Chairman


Lynn Slaby


M. Beth Trombold

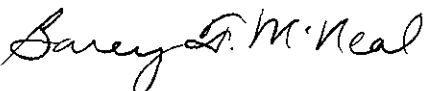

Asim Z. Haque


Thomas W. Johnson

LDJ/vrm/dah

Entered in the Journal

APR 27 2016


Barcy F. McNeal

Barcy F. McNeal
Secretary