

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THOMAS GALLAGHER,

COMPLAINANT,

V.

CASE NO. 16-857-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on May 25, 2016

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company 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 April 20, 2016, Thomas Gallagher (Mr. Gallagher or Complainant) filed a complaint against CEI, stating that he was billed in March 2015 for power that he did not use. Mr. Gallagher explains that his home was unoccupied from May 2011 to February 2015 because weather-related problems in 2011, 2012, and 2014. According to Complainant, CEI contends that his meter had “stalled,” and without his consent replaced the meter with a smart meter in January 2015. Mr. Gallagher asserts that actual meter reads were fraudulent and his monthly payments were “misapplied,” including an overpayment balance of \$152.70 that is “missing.” Complainant contends that his

all-electric home discount has been eliminated and asserts that he has been threatened with disconnection if he does not pay.

{¶ 4} CEI filed its answer on May 10, 2016. CEI states that Complainant's meter "stalled" and that a new meter was installed as a replacement. CEI denies any other claims made by Mr. Gallagher.

{¶ 5} 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 in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for June 9, 2016, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will 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 on 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 authority to settle those issues.

{¶ 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for June 9, 2016, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-0857-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 6/9/2016 at 11:00 a.m. in accordance with Paragraph 6. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio