

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF LUSTROUS DESIGN
LTD.,**

COMPLAINANT,

v.

CASE NO. 16-1247-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on August 1, 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 June 8, 2016, Lustrous Design Ltd. (LDL), filed a complaint against CEI, asserting that LDL has “experienced erratic billing and fluctuations in power” since 2012. LDL disputes CEI’s claim that a 2013 bill that it paid for over \$1,200 was caused by a power surge. In addition, LDL explains that its power was temporarily turned off in 2015, when its shop “collapsed”; shortly after power was turned back on in January 2016, the meter was replaced in March 2016, and LDL was rebilled for July 2015-January 2016. LDL questions whether replacement of the meter was necessary, and asserts that it never approved the installment plan that it was placed on after the rebilling. Finally, LDL contends, disconnect notices for subsequent billings were

“doubled up”; payments were applied to late charges and installment payments, not actual charges; complaints and inquiries to CEI have been ignored; and disconnect notices “appear and disappear” from CEI’s website.

{¶ 4} CEI filed its answer on June 28, 2016. CEI states that it was contacted by LDL in March 2013 because of a “short,” and states that the meter registered usage until July 2015. CEI admits replacing the meter in January 2016, and asserts that LDL was notified in March 2016 of the installment plan and that it would be rebilled for July 2015-January 2016. CEI denies that subsequent billings were “doubled up.” CEI asserts that it has contacted LDL on several occasions and admits that LDL has received disconnection notices because of failure to pay an account balance. CEI denies or lacks sufficient information concerning the other allegations.

{¶ 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 August 16, 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 August 16, 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

SEF/sc

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in

Case No(s). 16-1247-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 8/16/2016 at 11:00 a.m. at the Commission offices, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, OH. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio