

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF PHILLIP SYMON,**

**COMPLAINANT,**

**V.**

**CASE NO. 16-1886-EL-CSS**

**THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on November 22, 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 September 15, 2016, Phillip Symon (Complainant) filed a complaint against CEI, alleging that on July 26, 2016, a CEI technician arrived at Complainant's home unexpectedly to replace the electric meter. Mr. Symon contends that he was not told by the technician that power should be shut off during the meter replacement. Because of the technician's failure to do so, Mr. Symon asserts, his automatic garage door opener and remote openers did not work after the meter was changed. Complainant adds that a service representative from Fairview Door Company, which subsequently repaired the door opener and two remotes, concluded that a power fluctuation occurred during the meter replacement, causing deletion of memory from the door opener and remotes. Mr. Symon

seeks compensation for the expense of having his garage door opener and several remotes repaired. He further requests five years of service coverage for outside wiring, so that any future expenses associated with the meter are covered by CEI.

{¶ 4} CEI filed its answer on October 4, 2016. CEI admits that Complainant's meter was exchanged and that he contacted CEI regarding the garage door opener. CEI further admits that it sent a letter to Mr. Symon on July 27, 2016, explaining that it is not liable for damage to a customer's property unless the cause is "willful or wanton misconduct" by CEI. CEI denies any remaining allegations by Complainant or asserts that it has insufficient knowledge to confirm the 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 December 9, 2016, at 10:00 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 December 9, 2016, at 10:00 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**

**Commission of Ohio Docketing Information System on**

**11/22/2016 3:07:12 PM**

**in**

**Case No(s). 16-1886-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference in accordance with Paragraph 6. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio