

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT  
OF MAUREEN BARCELO,**

**COMPLAINANT,**

**v.**

**CASE No. 17-1079-EL-CSS**

**THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on May 30, 2017

{¶ 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} Respondent, 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 17, 2017, Complainant, Maureen Barcelo, filed a complaint against Respondent alleging, among other things, that CEI:

- (a) Is improperly billing her for electric service.
- (b) Wrongfully shut off her electric service for a period of three and one half weeks in September 2016.
- (c) Wrongfully collected a deposit from her.

- (d) Has imposed on her a payment plan which she never agreed to.
- (e) Is wrongfully charging her for past PIPP balances allegedly due on two accounts, despite Complainant's claim that she was never a PIPP customer.

{¶ 4} CEI filed its answer on May 8, 2017. In its answer, CEI admits some and denies other allegations in the complaint and sets forth several affirmative defenses.

{¶ 5} On May 30, 2017, Complainant filed a letter indicating that she is concerned that CEI might disconnect her utility service, on May 31, 2017, based on the billed charges that are in dispute and at issue in this case. She requests that the Commission provide assistance to prevent service termination during the pendency of the complaint based on the charges that are in dispute. She agrees to pay any current charges which are not in dispute that she may incur during the pendency of the complaint.

{¶ 6} Ohio Adm.Code 4901-9-01(E) provides that, if a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request that the Commission prevent the termination of service during the pendency of the complaint. It also provides that the person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute.

{¶ 7} The attorney examiner finds Complainant's request for Commission assistance to prevent service termination to be reasonable. Pursuant to Ohio Adm.Code 4901-9-01(E), Complainant shall pay, while the complaint is ongoing, all amounts that are not in dispute. In addition, during the pendency of the complaint, CEI shall not terminate Complainant's electric service.

{¶ 8} 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.

{¶ 9} Accordingly, a settlement conference shall be scheduled for June 8, 2017, at 1:00 p.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.

{¶ 10} 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.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Complainant pay, while the complaint is ongoing, all amounts that are not in dispute. It is, further,

{¶ 14} ORDERED, That CEI not terminate electric service to Complainant during the pendency of the complaint. It is, further,

{¶ 15} ORDERED, That a settlement conference be scheduled for June 8, 2017, at 1:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 17-1079-EL-CSS**

Summary: Attorney Examiner Entry directing Complainant to pay, while the complaint is ongoing, all amounts that are not in dispute, directing CEI not to terminate electric service to Complainant during the pendency of the complaint, and scheduling the settlement conference in accordance with Paragraph 9. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio