

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
THOMAS GALLAGHER,**

**COMPLAINANT,**

**v.**

**CASE No. 16-857-EL-CSS**

**THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on May 30, 2018

**I. SUMMARY**

{¶ 1} The Commission grants the joint motion to dismiss the complaint with prejudice, as the parties indicate that all issues in the matter have been resolved.

**II. DISCUSSION**

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} On April 20, 2016, Thomas Gallagher (Complainant) filed a complaint against CEI, stating that his home was unoccupied from May 2011 to February 2015 because of weather-related problems in 2011, 2012, and 2014. He asserted that CEI overestimated his electric usage for January 2015 and February 2015, and misread the

meter in March 2015, all of which resulted in an overbilling in March 2015 for power that he did not use. Mr. Gallagher contended that his monthly payments were "misapplied," including a "missing" overpayment balance of \$152.70.

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

{¶ 6} A settlement conference was conducted on June 9, 2016, and the parties continued discussions in the months that followed. While settlement discussions were proceeding, CEI periodically updated the attorney examiner regarding its sending of information and settlement documents to Complainant, and whether he had replied.

{¶ 7} On November 1, 2017, CEI filed a motion to dismiss for failure to prosecute. CEI asserted that the parties had reached a preliminary settlement agreement in June 2016; further, Complainant had executed an affidavit in November 2016 and requested additional settlement information on December 21, 2016. CEI contended that it sent to Complainant settlement information and documents on January 4, 2017, February 9, 2017, and March 22, 2017, but he did not respond. CEI added that, on June 19, 2017, it again sent settlement information and documents, and on June 23, 2017, discussed matters with Complainant by telephone, after which he requested more information. CEI emphasized that it followed up with a July 7, 2017 voice message, and with updated settlement documents sent by electronic mail and U.S. mail on October 11, 2017, but he did not reply.

{¶ 8} In response to the motion to dismiss, Mr. Gallagher filed a November 9, 2017 letter indicating that he did not wish to dismiss the complaint, and that he would participate in a conference call to resolve any remaining issues.

{¶ 9} The parties participated in the conference call on November 17, 2017, and a settlement was agreed upon.

{¶ 10} The parties filed a joint motion to dismiss with prejudice on March 12, 2018, in which they state that the complaint has been fully resolved. The parties request that the case be dismissed with prejudice.

### III. ORDER

{¶ 11} It is, therefore,

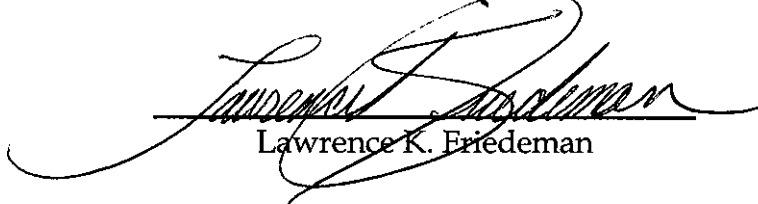
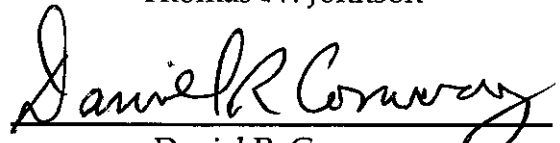
{¶ 12} ORDERED, That this complaint be dismissed with prejudice. It is, further,

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

#### THE PUBLIC UTILITIES COMMISSION OF OHIO



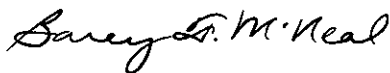
Asim Z. Haque, Chairman

  
M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

JML/sc

Entered in the Journal

**MAY 30 2018**



Barcy F. McNeal  
Secretary