

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARWAN DAYEM,**

COMPLAINANT,

v.

CASE NO. 16-1367-EL-CSS

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on September 14, 2018

{¶ 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} The Cleveland Electric Illuminating Company (CEI or Respondent), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the Commission's jurisdiction.

{¶ 3} On June 13, 2016, Marwan Dayem (Complainant) filed a complaint against CEI raising issues pertaining to CEI's use of Complainant's name to establish service at 4200 West 130th Street, Cleveland, Ohio, 44135 for his employer at that time, Goldberg Investments Group, rather than the company's information. Complainant requests that CEI remove his name from the account.

{¶ 4} CEI filed its answer on July 5, 2016. In its answer, Respondent admits that the account for the service address in question is in the name of Complainant and that CEI has denied non-residential service to subsequent applicants for service at the service address in question pursuant to Ohio Adm.Code 4901:1-10-15(C) and (K). Respondent also notes that

Complainant's account is in arrears for failure to pay charges related to tampering discovered by CEI in February 2016. Further, CEI raises several affirmative defenses.

{¶ 5} Thereafter, on August 2, 2016, CEI filed a motion to dismiss, arguing that CEI no longer provides service to the address and that Complainant is no longer a customer of CEI at this address. As such, CEI requests that the Commission dismiss the complaint.

{¶ 6} On August 8, 2016, Complainant filed a response, stating that CEI listed an inaccurate service address in the motion to dismiss and requests that CEI remove his name from "all accounts that they may have attached to my name," alleging that Respondent never had the authority to attach his name to any account currently open or closed.

{¶ 7} By Entry issued April 30, 2018, the parties were directed to file a report with the Commission regarding the status of the proceeding by May 18, 2018. The parties were also directed to include a mutually acceptable date for a prehearing conference should Complainant wish to proceed with the complaint.

{¶ 8} CEI filed a response on May 17, 2018, summarizing both Respondent's answer to the complaint and motion to dismiss. Respondent also maintains that all outstanding amounts previously charged to Complainant remain past due and owing. However, Respondent states that it is willing to collaborate with Complainant to determine a mutually acceptable date for a settlement conference if Complainant still wishes to proceed with the complaint. Respondent did not submit potential dates for a settlement conference.

{¶ 9} As of the date of this filing, Complainant has neither notified the Commission of any potential dates for a settlement conference, nor has he expressed a desire to continue with the proceeding. Accordingly, if Complainant wishes to pursue his complaint, he should notify the attorney examiner of such by October 10, 2018. If no such notification is made, the attorney examiner will recommend that the Commission dismiss the complaint for Complainant's failure to prosecute this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Complainant notify the attorney examiner as to whether he wishes to pursue his complaint by October 10, 2018. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan Addison

By: Megan Addison
Attorney Examiner

JRJ / TMS / mef

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in

Case No(s). 16-1367-EL-CSS

Summary: Attorney Examiner Entry Complainant should notify attorney examiner of his desire to continue with the proceeding. electronically filed by Heather A Chilcote on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission