

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DONNA M. BELL,**

COMPLAINANT,

v.

CASE NO. 18-1425-EL-CSS

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on October 18, 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} Respondent, The Cleveland Electric Illuminating Company (CEI), is a public utility as defined in R.C. 4905.03(C). As such, CEI is subject to the Commission's jurisdiction.

{¶ 3} On September 13, 2018, Donna M. Bell (Complainant) filed a complaint against CEI, alleging that she has had at least eight power outages in a three-month period. She also alleges that her bills are sporadic and not indicative of her electricity usage, and that CEI's meter on her property is faulty. Lastly, she alleges that CEI has not adequately investigated or resolved these issues.

{¶ 4} On October 2, 2018, CEI filed an answer. In the answer, CEI denies the allegations made by Complainant. Additionally, it sets forth affirmative defenses, including that Complainant fails to state reasonable grounds for complaint.

{¶ 5} At this time, 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 of the complaint. As stated in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for November 27, 2018, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues, including discovery deadlines, possible stipulations of fact, 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 in the complaint prior to the settlement conference. All parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be held in accordance to Paragraph 6. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

SJP/mef

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 18-1425-EL-CSS

Summary: Attorney Examiner Entry setting a settlement conference for 11/27/18 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission