

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DELTA INDUSTRIAL SERVICES, INC.,**

COMPLAINANT,

v.

CASE NO. 18-1849-EL-CSS

**CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on January 8, 2019

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

{¶ 3} On December 18, 2018, Delta Industrial Services, Inc. (Complainant) filed a complaint against CEI, alleging that it experienced fluctuations in its electric service on September 25, 2018, causing lights to flicker in its building, computers to go off, and telephones to stop operating. Complainant alleges that as a result of the fluctuations, it has suffered direct damages in the amount of \$600 for burned modules in its telephone system control panel and burned out electric controls on all six furnaces in its building. Complainant requests compensation for the costs of repairing the modules and controls and inconvenience.

{¶ 4} On January 7, 2019, 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 February 13, 2019, at 11:00 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 hearing.

{¶ 7} 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.

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} It is, therefore,

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

{¶ 12} 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

JRJ/mef

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Case No(s). 18-1849-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 2/13/19 at 11:00am at the Commission Offices electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission