

**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 January 9, 2019

**I. SUMMARY**

{¶ 1} The Commission finds that this complaint should be dismissed for lack of prosecution.

**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 or Respondent), is a public utility as defined in R.C. 4905.02. As such, CEI is subject to the Commission's jurisdiction.

{¶ 4} 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.

{¶ 5} 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.

{¶ 6} 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.

{¶ 7} 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.

{¶ 8} 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.

{¶ 9} CEI filed a response on May 17, 2018, summarizing both Respondent's answer to the complaint and motion to dismiss. 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.

{¶ 10} Complainant did not file a response regarding the status of the proceeding, nor did he otherwise express a desire to continue with the proceeding.

{¶ 11} By Entry dated September 14, 2018, the attorney examiner directed Complainant to indicate whether he wished to pursue his complaint. The Entry further

stated that if no such notification was made, the attorney examiner would recommend that the Commission dismiss the complaint.

{¶ 12} As of the date of this signing, Complainant has not filed a notification indicating that he wishes to pursue this matter or otherwise attempted to contact the attorney examiner.

{¶ 13} Due to the fact that Complainant has failed to notify the Commission of his desire to pursue his complaint, as directed by the attorney examiner, the Commission finds that the complaint should be dismissed for lack of prosecution.

### III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the complaint be dismissed for lack of prosecution. It is, further,

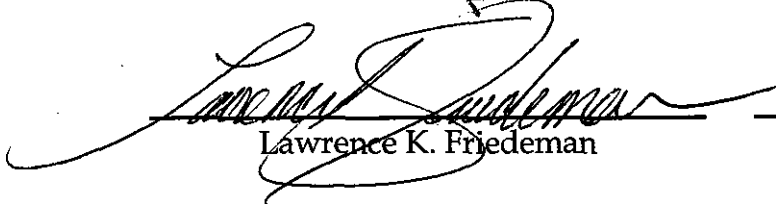
{¶ 16} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Asim Z. Haque, Chairman

  
M. Beth Trombold

  
Thomas W. Johnson

  
Lawrence K. Friedeman

  
Daniel R. Conway

MJA / TMS /mef

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JAN - 9 2019



Tanowa M. Troupe  
Secretary