

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
LINDA KIRBY,**

**COMPLAINANT,**

**V.**

**CASE NO. 18-691-EL-CSS**

**OHIO EDISON COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on January 16, 2019

**I. SUMMARY**

{¶ 1} The Commission dismisses the complaint upon the request of the Complainant.

**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 Ohio Edison Company (Ohio Edison) 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 16, 2018, Linda Kirby (Complainant) filed a complaint against Ohio Edison. The complaint alleges that stray voltage caused financial losses to her dairy operations.

{¶ 5} On May 4, 2018, Ohio Edison filed an answer in which it denied all allegations related to the health of the Complainant's dairy cattle.

{¶ 6} By Entry issued July 5, 2018, the attorney examiner scheduled a settlement conference for August 7, 2018. The parties appeared for the conference but did not resolve the dispute.

{¶ 7} On September 6, 2018, Ohio Edison filed a motion to dismiss the Complainant's claim for monetary damages.

{¶ 8} On October 24, 2018, the attorney examiner scheduled a November 28, 2018 hearing.

{¶ 9} On October 31, 2018, Ohio Edison moved for a continuance of the hearing in order to complete discovery and prepare its case.

{¶ 10} By Entry issued November 13, 2018, the attorney examiner granted Ohio Edison's motion for continuance and its motion to dismiss the Complainant's claim for monetary damages.

{¶ 11} On December 13, 2018, the Complainant, through counsel, moved to dismiss the complaint, explaining that the Complainant intends to pursue the claim in common pleas court.

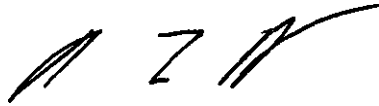
{¶ 12} Being advised that the Complainant intends to seek redress in another forum, the Commission shall grant the Complainant's motion to dismiss the complaint without prejudice.

**III. ORDER**

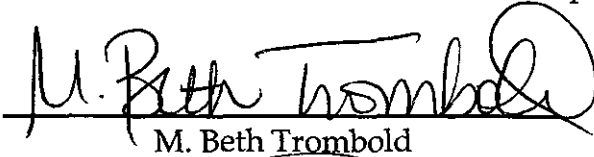
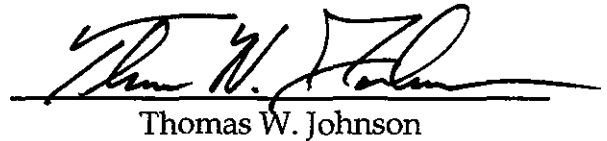
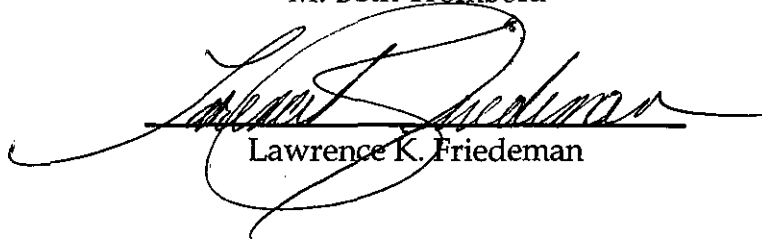
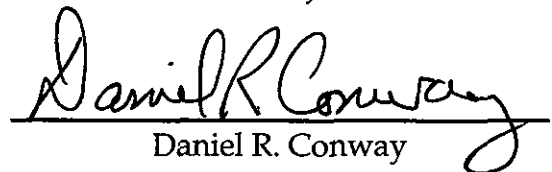
{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the Complainant's motion to dismiss the complaint without prejudice be granted. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon the parties and interested persons of record.

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

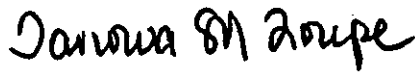
Asim Z. Haque, Chairman

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

LDJ/sc

Entered in the Journal

JAN 16 2019



Tanowa M. Troupe  
Secretary