

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JOHANNA WATTS,**

COMPLAINANT,

CASE NO. 19-612-EL-CSS

v.

THE TOLEDO EDISON COMPANY

RESPONDENT.

ENTRY

Entered in the Journal on May 14, 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} The Toledo Edison Company (Toledo Edison) is a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On March 11, 2019, Johanna Watts (Complainant or Ms. Watts) initiated a complaint against Toledo Edison, alleging that “the cost recovery fee (stolen electricity) is unjust and unfairly imposed upon Ohio consumers, for the following reasons: 1) penalizes consumers for being responsible; 2) any loss to a business is tax deductible; [and] 3) Toledo Edison taxes were reduced to nearly 50%, while consumers taxes increased.” (Complaint at 1).

{¶ 4} On April 1, 2019, Toledo Edison filed an answer to the complaint, denying that Complainant’s account was ever assessed a “stolen electricity” fee and asserting several affirmative defenses. Additionally, Toledo Edison also filed a motion to dismiss, arguing there are no reasonable grounds for Ms. Watts’ complaint, as required by R.C. 4905.26.

{¶ 5} Ms. Watts filed correspondence on April 8, 2019, in which she appears to present “counter arguments,” but fails to state as to which of Toledo Edison’s two filings she is attempting to respond.

{¶ 6} By Entry issued April 12, 2019, the attorney examiner directed Complainant to supplement her complaint by providing a clear explanation of the facts constituting the basis of her complaint and a statement of the relief sought, in accordance with Ohio Adm.Code 4901-9-01(B).

{¶ 7} On April 22, 2019, Complainant filed a statement of relief and a billing statement for the period of March 14, 2019, through April 11, 2019.

{¶ 8} Thereafter, on May 9, 2019, Toledo Edison filed an amended answer to respond to Complainant’s statement of relief.

{¶ 9} Notwithstanding Toledo Edison’s pending motion to dismiss, the attorney examiner finds it appropriate to schedule a settlement conference in this matter. The purpose of the settlement conference will be to explore the parties’ willingness to negotiate a resolution of the complaint. An attorney examiner from the Commission’s legal department will facilitate the settlement process. The parties, of course, remain free to initiate and pursue settlement negotiations prior to the scheduled settlement conference.

{¶ 10} Accordingly, a settlement conference shall be scheduled for June 13, 2019, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Parties should register at the lobby desk and then proceed to the 11th Floor to participate in the settlement conference. Each party shall bring with them all documents relevant to the matter or necessary to facilitate settlement negotiations.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a settlement conference be scheduled in accordance with Paragraph 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison
Attorney Examiner

JRJ/mef

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Case No(s). 19-0612-EL-CSS

Summary: Attorney Examiner Entry setting a settlement conference for 6/13/19 at 11:00am at the Commission offices electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio