

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
ERIC EDMISTEN,**

COMPLAINANT,

v.

CASE NO. 19-1143-EL-CSS

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on June 25, 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, Ohio Edison Company (Ohio Edison or Respondent), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 20, 2019, Eric Edmisten (Mr. Edmisten or Complainant) filed a complaint against Ohio Edison alleging that Respondent is engaging in unfair billing practices. Specifically, Mr. Edmisten avers that he was experiencing problems with lights dimming in his home when high loads, such as the clothes dryer, were energized. Subsequently, Respondent dispatched a technician who replaced Mr. Edmisten's meter. Mr. Edmisten states that he received a bill for abnormally high usage after his new meter was installed and believes the technician who "memorized the meter reading" made an error. Mr. Edmisten claims that his usage in March 2019 was listed at 2,414 kilowatt-hours (kWh), which is almost triple his usage from the previous March. Mr. Edmisten is requesting an adjustment to his electric bill to accurately reflect his electric usage.

{¶ 4} Ohio Edison filed an answer to the complaint on June 10, 2019. Ohio Edison admits and denies some allegations. Specifically, Ohio Edison admits that it provides electric service to Complainant, and further avers that, on March 12, 2019, Complainant contacted Respondent and complained of intermittent power and that an Ohio Edison employee was dispatched that day to investigate. Ohio Edison admits that Complainant's meter was replaced, and that the employee who replaced Complainant's meter notified him of the meter reading before leaving the property. Further, Ohio Edison admits that Complainant's prior two billing statements reflected estimated consumption and that the April statement reflecting 2,414 kWh of usage, reflects accurate charges. Additionally, Ohio Edison raises several affirmative defenses.

{¶ 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 this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible 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 July 25, 2019, at 10:00 a.m. in Conference Room 1246 at the offices of the Commission, 12th Floor, 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. Procedural issues for discussion may include discovery dates, possible stipulations of facts, 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, and 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, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966). Therefore, it is Mr. Edmisten's responsibility to prove the allegations in his complaint.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be held on July 25, 2019, at 10:00 a.m. in Conference Room 1246 at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio