

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
MICHAEL L. CORA,**

**COMPLAINANT,**

**v.**

**CASE NO. 19-1118-EL-CSS**

**NORTHEAST OHIO PUBLIC ENERGY  
COUNCIL,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on July 3, 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} Northeast Ohio Public Energy Council (NOPEC or Respondent) is an electric services company as defined in R.C. 4928.01(A)(9). Accordingly, NOPEC is subject to the Commission's jurisdiction.

{¶ 3} On May 15, 2019, Michael L. Cora (Complainant) initiated a complaint against NOPEC, alleging that NOPEC opted Complainant into NOPEC's unfair electric services despite the fact that Complainant did not sign for the service. Complainant states that he received a letter by mail regarding NOPEC's program and he was then opted in from around January 2017 until April 2018. Further, Complainant states that upon being opted into NOPEC's program, he began receiving electric bills for amounts much higher than his bills had previously been at a time when Complainant was unemployed.

{¶ 4} NOPEC filed its answer on June 5, 2019. In its answer, NOPEC admits that the account at 6183 Sunset Drive, Bedford Heights, Ohio 44146 was previously registered as

a NOPEC electric aggregation customer account in the name of Perfecto Cora. Respondent denies for lack of information that Complainant was the proper account holder and, thus, denies that he was a customer of NOPEC. NOPEC also states that it is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of the complaint and therefore denies the same. Further, in its answer, NOPEC sets forth several affirmative defenses. NOPEC also filed a motion to dismiss on June 5, 2019, arguing that Complainant fails to set forth reasonable grounds for complaint and the complaint lacks sufficient allegations of facts to support a finding that NOPEC violated any section of Title 49 of the Revised Code or any Commission rule or order. NOPEC also reemphasizes that the account at that address was registered to Perfecto Cora and claims, because of this fact, Complainant lacks standing to bring this suit.

{¶ 5} Complainant filed a response to NOPEC's motion to dismiss on June 21, 2019. In his response, Complainant details that, while NOPEC has noted that it cannot confirm that Complainant is a client because the account is not in his name, Complainant explained that he began paying the account bills after his father, the original account holder, passed away. Further, the response states that the account was not transferred to Complainant's name sooner because of the fee charged to do so, but it has since been changed to Complainant's name.

{¶ 6} Notwithstanding the pending motion to dismiss, and consistent with the Commission's longstanding policy to encourage settlement discussions in complaint proceedings before it, 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. 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for August 6, 2019, at 10:00 a.m., in 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 settlement conference. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues.

{¶ 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, 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.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be held on August 6, 2019, in accordance Paragraph 7. 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/Megan J. Addison

By: Megan J. Addison  
Attorney Examiner

JRJ/ARW/mef

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-1118-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 8/6/19 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio