

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF JENNY KENDERES,**

**COMPLAINANT,**

**V.**

**CASE NO. 18-922-EL-CSS**

**THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on July 26, 2019

{¶ 1} In a February 20, 2019 Entry, the attorney examiner scheduled a May 9, 2019 hearing in this matter.

{¶ 2} On April 25, 2019, The Cleveland Electric Illuminating Company (CEI) filed a motion for continuance of the hearing and request for expedited treatment. CEI contended that some of Jenny Kenderes' (Complainant's) responses to its discovery requests were deficient, and that it could not prepare adequately for the hearing without having received full and complete responses from Complainant.

{¶ 3} In an April 30, 2019 Entry, the attorney examiner granted the motion for continuance, with the hearing date to be indicated in a future Entry.

{¶ 4} In May 7, 2019, Entry, the attorney examiner scheduled a status conference to better allow CEI's counsel to discuss with Complainant the discovery information still being sought. Both parties participated in the conference as scheduled.

{¶ 5} On June 19, 2019, CEI filed a motion to compel discovery and memorandum in support, to which was attached numerous exhibits, including copies of e-mail correspondence between the parties and copies of discovery requests and Complainant's

responses. CEI explains that its discovery requests were first served on Complainant on November 5, 2018, but no response was received until February 20, 2019. Because the responses were deficient, CEI explains, it sent a letter on March 15, 2019, to Complainant requesting full responses by April 5, 2019. CEI alleges that Complainant did not reply to the March 15, 2019, letter. CEI states that, although Complainant participated in the May 14, 2019 status conference and provided additional discovery responses on May 31, 2019, deficiencies remained. CEI adds that it also sent deficiency letters on June 5, 2019, and June 12, 2019, and although Complainant responded to each such letter, not all aspects of the discovery requests were answered. For example, CEI asserts, although Complainant provided a home inspection report, she did not produce Dominion Energy Ohio heating bills, which Complainant has said are in her possession. In sum, argues CEI, Complainant has not responded in full to the request for production of documents by identifying and producing documents that she has and does not have, nor has Complainant responded in full to Interrogatory No. 7, which concerns inspections and examinations of Complainant's home by anyone other than CEI personnel.

{¶ 6} Complainant did not file a response in the docket concerning the motion to compel discovery.

{¶ 7} Having examined the CEI's motion to compel, memorandum in support, and attached exhibits, the attorney examiner finds CEI's motion to be reasonable. Accordingly, the motion shall be granted. Complainant is directed to produce the information consistent with CEI's Request for Production of Documents Nos. 1-10, as well as Interrogatory No. 7, no later than August 5, 2019, or this case may be dismissed for failure to prosecute the matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the motion to compel be granted for Complainant's discovery requests, as indicated in Paragraph 7. It is, further,

{¶ 10} ORDERED, That Complainant produce the information consistent with this ruling no later than August 5, 2019, or this case may be dismissed for failure to prosecute the matter. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn  
Attorney Examiner

GAP/hac

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

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**Case No(s). 18-0922-EL-CSS**

Summary: Attorney Examiner Entry granting motion to compel and ordering Complainant to produce information electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission