

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

ERIC EDMISTEN,)	
)	
Complainant,)	
)	
v.)	Case No. 19-1143-EL-CSS
)	
OHIO EDISON COMPANY)	
Respondent.)	
)	

MEMORANDUM CONTRA OF OHIO EDISON COMPANY

Pursuant to 4901-1-12, Ohio Admin. Code, Respondent Ohio Edison Company (“Ohio Edison” or “Company”) hereby submits this Memorandum Contra in opposition to the request by Eric Edmisten, Complainant, to convert the settlement conference scheduled for August 20, 2019 at 10:00 a.m. at the offices of the Public Utilities Commission of Ohio (“Commission”) into a telephonic settlement conference.¹ The Commission should instead reschedule the settlement conference for the reasons set forth below.

I. BACKGROUND

On May 20, 2019, Complainant filed his Complaint initiating this proceeding. Ohio Edison timely filed its Answer on June 10, 2019, admitting in part and denying in part the allegations in the Complaint. On June 25, 2019, the presiding Attorney Examiner issued an Entry scheduling this matter for a settlement conference to be held July 25, 2019, commencing at 10:00 a.m., at the Commission’s offices (“June Entry”). On July 24, 2019, Complainant faxed a Notice of Inability to Appear for the July 25 conference. On August 1, 2019, the presiding Attorney Examiner

¹ Although the communication is not titled as a Motion and does not follow the Commission’s rules regarding pleadings, Ohio Edison considers the docketed notice to be in effect a Motion requesting to modify the Attorney Examiner’s Entry and responds accordingly.

rescheduled the settlement conference to commence August 20, 2019, at 10:00 a.m. at the Commission's offices ("August Entry"). On August 9, 2019, the Commission's Docketing Division received a fax communication from Complainant stating he is unable to attend the rescheduled settlement conference in person and ostensibly seeking to convert the in-person settlement conference into a telephonic settlement conference. ("August 9 Fax"). Neither of the two faxed notices were served upon Ohio Edison, nor did Complainant contact Ohio Edison's counsel to discuss the scheduling issues raised therein.

II. ARGUMENT

Ohio Edison opposes Complainant's request to modify the August Entry to convert the scheduled in-person settlement conference into a telephonic conference. The Commission holds considerable discretion in its authority to govern the administration of its own proceedings.² Unless otherwise ordered, all hearings are to be held at the Commission's offices in Columbus, Ohio.³ The Attorney Examiner ordered the parties to appear in person at the settlement conferences to be held in Columbus, Ohio,⁴ and that parties attending the settlement conference should bring with them all documents relevant to this matter.⁵ Complainant has not asserted extraordinary circumstances preventing him from appearing in person generally—only that his "current schedule of work" prevents him from attending in person on the rescheduled date.⁶

Moreover, Ohio Edison believes, generally, that settlement conferences and other informal dispute resolution efforts have a greater chance of success when conducted in person. Further,

² See, In the Matter of the Review of the

³ See, 4901-1-27(A), Ohio Admin. Code.

⁴ See, June Entry and August Entry.

⁵ August Entry, para. 7.

⁶ August 9 Fax: ("Dear Sirs: The current schedule of my work will prevent me from attending the rescheduled conference on August 20*" at 10AM in person, but I would be able to accommodate a teleconference on that date and time If possible. Please let me know if this can be arranged.")(emphasis added).

Ohio Edison intends to bring one or more documents to the settlement conference to aid in the parties' discussion of the relevant issues and believes that discussion regarding said documents would be disadvantaged and less effective if conducted by telephone. Ohio Edison therefore respectfully requests that the presiding Attorney Examiner direct the parties to communicate proposed alternative dates for rescheduling the settlement conference to a date convenient to both parties consistent with Commission's availability.

III. CONCLUSION

For the foregoing reasons, the Commission should deny Complainant's request to convert the scheduled settlement conference and should reschedule to a date more convenient to both parties.

Respectfully submitted,

/s/ Robert M. Endris
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On Behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of Ohio Edison Company was sent to the following by U.S. mail on this 12th day of August, 2019.

Eric Edmisten
426 Washburn Rd
Tallmadge, OH 44278

/s/ Robert M. Endris _____
Attorney for Ohio Edison Company

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 19-1143-EL-CSS

Summary: Memorandum Memorandum Contra of Ohio Edison Company electronically filed by Mr Robert M Endris on behalf of Ohio Edison Company