

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 August 19, 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} By Entry issued June 25, 2019, the attorney examiner scheduled a prehearing conference to convene on July 25, 2019. On July 24, 2019, Complainant filed a request to reschedule the prehearing conference due to a scheduling conflict.

{¶ 6} On August 1, 2019, the attorney examiner granted Complainant's request to reschedule the prehearing conference and rescheduled the prehearing conference to commence on August 20, 2019.

{¶ 7} On August 9, 2019, Complainant filed a request to convert the currently scheduled in-person conference to a telephone conference. In support of his request, Complainant states that his current schedule of work will prevent him from attending in-person, but he would be able to accommodate a telephone conference on August 20, 2019.

{¶ 8} Subsequently, on August 12, 2019, Ohio Edison filed a memorandum contra Complainant's request. Ohio Edison avers that the Commission has considerable discretion in its authority to govern the administration of its proceedings, and unless otherwise ordered, all hearings are to be held at the Commission's offices in Columbus, Ohio. Additionally, Ohio Edison argues that 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. Moreover, Ohio Edison believes that settlement conferences and other informal dispute resolution efforts have a greater chance of success when conducted in person. Lastly, Ohio Edison states that it 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.

{¶ 9} After review of both Complainant’s request and Ohio Edison’s memorandum contra, the attorney examiner finds that Complainant’s request to reschedule the prehearing conference as a telephone conference should be denied. Under Ohio Adm.Code 4901-1-27(A), unless otherwise ordered, all hearings shall be held at the offices of the Commission in Columbus, Ohio. Furthermore, the attorney examiner agrees that a face-to-face prehearing conference, as opposed to a conference over the telephone, will allow the parties to more effectively communicate and engage with one another. Accordingly, the prehearing conference shall be rescheduled to convene in-person on September 23, 2019, at 11:00 a.m. at 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 prehearing conference.

{¶ 10} Moreover, given that both parties have agreed to the date of the rescheduled prehearing conference, the attorney examiner notes that she will not grant any additional requests to reschedule the prehearing conference absent extraordinary circumstances.

{¶ 11} 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 prehearing 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 prehearing conference should bring with them all documents relevant to this matter.

{¶ 12} 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.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the in-person prehearing conference be rescheduled in accordance with Paragraph 9. It is, further,

{¶ 15} 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 in-person prehearing conference electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio