

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
ERIC EDMISTEN,

COMPLAINANT,

CASE NO. 19-1143-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on February 26, 2020

I. SUMMARY

{¶ 1} The Commission grants Ohio Edison Company's motion to dismiss and dismisses this complaint case, with prejudice, based on Complainant's lack of sufficient prosecution.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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.

{¶ 5} 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.

{¶ 6} 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.

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

{¶ 8} On August 9, 2019, Complainant filed a request to convert the August 20, 2019 settlement conference to a telephonic conference. Ohio Edison filed a memorandum contra Complainant’s request on August 12, 2019.

{¶ 9} On August 19, 2019, the attorney examiner denied Complainant’s request and rescheduled the prehearing conference to September 23, 2019 – a date agreed upon by both parties.

{¶ 10} On September 23, 2019, counsel for Ohio Edison and the mediating attorney examiner were both present for the settlement conference at the specified time and place; however, Complainant did not attend or otherwise participate in the settlement conference.

{¶ 11} On October 2, 2019, Ohio Edison filed a motion to dismiss the complaint with prejudice due to Complainant's alleged failure to prosecute the complaint.

{¶ 12} On November 4, 2019, the attorney examiner directed Complainant to notify her by November 25, 2019, if he intended to pursue the matter.

{¶ 13} The Commission finds that Ohio Edison's October 2, 2019 motion to dismiss should be granted. Complainant, after several requests to reschedule and convert the prehearing conference, failed to appear at the prehearing conference despite Complainant and Ohio Edison agreeing to the specific prehearing conference date of September 23, 2019. Furthermore, pursuant to the attorney examiner's November 4, 2019 Entry, Complainant has not filed any notification indicating his wishes to pursue this matter or otherwise attempted to contact the attorney examiner to express his willingness to continue. Consequently, the Commission finds that the complaint should be dismissed, with prejudice, for failure to prosecute, consistent with Commission precedent. *In re the Complaint of Denisha Chaney v. The Cleveland Elec. Illum. Co.*, Case No. 18-1898-EL-CSS, Entry (Aug. 28, 2019); *In re the Complaint of Dr. Thomas Inwood v. The Cleveland Elec. Illum. Co.*, Case No. 18-744-EL-CSS, Entry (Nov. 28, 2018).

III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That Ohio Edison's motion to dismiss the complaint for failure to prosecute the complaint be granted. It is, further,

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

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

LLA/hac

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