

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE STUFF OF THE COMPLAINT OF  
ANGEL M. VAZQUEZ,**

**CASE No. 20-401-EL-CSS**

**COMPLAINANT,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on October 6, 2021

**I. SUMMARY**

{¶ 1} The Commission grants the motion, made orally at the July 12, 2021 evidentiary hearing, to dismiss this complaint with prejudice for failure of Complainant to prosecute the matter.

**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} Respondent, The Cleveland Electric Illuminating Company (CEI, or the Company), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On February 18, 2020, Angel M. Vazquez (Complainant) filed a complaint against CEI. The complaint alleges that, after Christmas of 2019, Complainant went to his property after receiving a neighbor's tip that the house there may have been broken into. Once there, he saw signs of intrusion and secured the home as best as he could. At

that time, according to the complaint, the home was being powered by a generator. The next month, Mr. Vazquez called CEI to have the lights turned on. He was told that he had a tampering charge. Complainant disputes the charge.

{¶ 5} On March 9, 2020, CEI filed its answer to the complaint. In its answer, CEI denies most of the allegations of the complaint on grounds that CEI lacks sufficient knowledge or information to form a belief as to their truth. However, CEI states that on September 11, 2014, it removed the electric meter at the customer service address named in the complaint (the Property) and that no meter has been installed at the Property since this removal. CEI states further that, on or about January 14, 2020, CEI discovered tampering at the Property and, in its answer, stated that it has reason to believe that Mr. Vazquez had been the owner of the Property since at least July 10, 2018, continuing to the date of its answer on March 9, 2020. Answering further, CEI admits that on January 21, 2020, Mr. Vazquez called the Company to request service at the Property and that, in response, the Company advised Ms. Vazquez that tampering had been discovered. In its answer, CEI admits that it advised Ms. Vazquez that charges in an amount of approximately \$1,810.53 for unmetered usage from July 10, 2018 to January 14, 2020, plus a tampering fee of \$125.00, were due and owing to the Company. CEI also advised Mr. Vazquez that he has an unpaid amount due and owing to the Company from a prior account.

{¶ 6} A prehearing settlement teleconference was scheduled for and held on July 16, 2020. However, the parties were unable to resolve the dispute giving rise to this complaint case.

{¶ 7} On June 11, 2021, the attorney examiner issued an Entry scheduling a July 12, 2021 hearing. At the hearing, counsel for CEI and other persons representing CEI's interests were present, but Complainant neither attended nor entered an appearance. At the hearing, counsel for Respondent made an oral motion, which the presiding hearing

examiner took under advisement, that the case should be dismissed with prejudice, based on Mr. Vasquez's failure to appear and to adequately prosecute his complaint (Tr. at 4).

{¶ 8} Complainant has never contacted either the attorney examiner or the Commission to explain his absence from the hearing.

{¶ 9} The Commission observes that Complainant failed to appear at the July 12, 2021 hearing. Moreover, since the time of the July 16, 2020 settlement conference, Complainant has failed to pursue, in any way, prosecution of his complaint. Accordingly, under the circumstances presented, the Commission finds it appropriate to grant CEI's oral motion, made at hearing, to dismiss this complaint, with prejudice, based on Complainant's insufficient prosecution.

{¶ 10} In closing, the Commission notes that CEI claims, in its answer to the complaint, that Complainant appears to be legally responsible for tampering. The limited record before us provides no indication of whether, to date, CEI has collected any of the more than \$1,800 it claims to be owed due to the tampering allegedly involved in this case. While the Commission grants CEI's motion to dismiss this complaint case for Complainant's failure to prosecute the complaint, we strongly encourage CEI, to the extent possible, to pursue such legal remedies as may be available for collecting the amounts CEI claims it is owed from those allegedly responsible for the losses CEI incurred, rather than for CEI to categorize such losses as uncollectible amounts.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the motion, made at hearing, to dismiss this case, with prejudice, be granted. It is, further,

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

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Dennis P. Deters

DEF/kck

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**Case No(s). 20-0401-EL-CSS**

Summary: Entry granting the motion, made orally at the July 12, 2021 evidentiary hearing, to dismiss this complaint with prejudice for failure of Complainant to prosecute the matter electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio