

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
TERRY L. BELT,**

COMPLAINANT,

CASE NO. 20-1161-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on October 25, 2021

{¶ 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} Ohio Edison Company (Ohio Edison) is a public utility as defined in R.C. 4905.26. Accordingly, Ohio Edison is subject to the Commission's jurisdiction.

{¶ 3} On June 12, 2020, Terry L. Belt (Complainant) initiated a complaint against Ohio Edison alleging that Ohio Edison failed to maintain vegetation around power lines surrounding Complainant's home, resulting in power surges into Complainant's residence and causing damage to certain property of Complainant.

{¶ 4} Ohio Edison filed its answer on July 1, 2020. In its answer, Ohio Edison admits some allegations in the complaint. Ohio Edison states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations in the complaint. Further, Ohio Edison sets forth in the answer several affirmative defenses.

{¶ 5} A settlement conference was held on September 3, 2020; however, the parties were unable to settle the matter.

{¶ 6} By Entry issued on August 27, 2021, the attorney examiner scheduled an evidentiary hearing to convene on November 2, 2021, at 10:00 a.m., at the offices of the Commission.

{¶ 7} Given the continuing COVID-19 pandemic, the attorney examiner issued an Entry on September 21, 2021, directing that the scheduled hearing be held using virtual hearing technology rather than at the offices of the Commission.

{¶ 8} On October 14, 2021, Ohio Edison filed a motion for continuance and a request for expedited treatment of the motion, pursuant to Ohio Adm.Code 4901-1-12 and 4901-1-13. As outlined in the motion and supporting memorandum, Ohio Edison states that in its preparation for the scheduled hearing it identified the Advanced Forestry Specialist in charge of vegetation management of the distribution line that serves Complainant's residence. Due to the allegations in the complaint regarding improper vegetation management causing power fluctuations, Ohio Edison believes that this Advanced Forestry Specialist is the most appropriate witness to testify as to Complainant's allegations. However, this individual is unavailable between November 1 and November 12, 2021, to attend either an in-person or remote hearing. Ohio Edison asserts that the Commission has routinely found good cause to continue a hearing when a witness is unavailable on a scheduled hearing date. Ohio Edison, therefore, requests that the hearing be continued to a date on or after November 15, 2021, in order to allow its witness to be available. Ohio Edison states that it called Complainant to obtain her consent to a short continuance and that Complainant initially agreed to the continuance; however, Ohio Edison states that Complainant called back shortly thereafter, withdrew her consent, and indicated that she will oppose the motion.

{¶ 9} After review, the attorney examiner finds that Ohio Edison's motion for continuance is reasonable and should be granted. The attorney examiner will reach out to the parties in order to find a mutually agreeable date for a rescheduled hearing and that new date will be set by future entry.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Ohio Edison's motion for continuance be granted and that the hearing scheduled for November 2, 2021, be rescheduled to a date to be established by future entry, as stated in paragraph 9. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

JRJ/kck

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

Case No(s). 20-1161-EL-CSS

Summary: Attorney Examiner Entry granting Ohio Edison's motion for continuance and ordering that the hearing scheduled for November 2, 2021, be rescheduled to a date to be established by future entry, as stated in paragraph 9. electronically filed by Kelli C. King on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio