

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RAYMOND A. COLLINS,**

COMPLAINANT,

CASE NO. 21-473-EL-CSS

v.

THE TOLEDO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on April 5, 2022

{¶ 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} The Toledo Edison Company (Toledo Edison) is a public utility as defined in R.C. 4905.02. Accordingly, Toledo Edison is subject to the Commission's jurisdiction.

{¶ 3} On April 16, 2021, Raymond A. Collins (Complainant) initiated a complaint against Toledo Edison alleging that on February 5, 2021, Toledo Edison installed a new meter at his home and that on his next bill he was charged for electric usage that was three times more than his normal usage prior to installation of the new meter. Complainant believes that this usage amount for which he was billed after installation of the new meter is incorrect and/or unreasonable.

{¶ 4} Toledo Edison filed its answer on May 3, 2021. In its answer, Toledo Edison admits some allegations in the complaint but generally denies the allegations relating to inaccurate electric usage amounts billed to Complainant, and also sets forth several affirmative defenses.

{¶ 5} A settlement conference was held on August 18, 2021; however, the parties were unable to settle the matter.

{¶ 6} By Entry issued February 14, 2022, the attorney examiner scheduled an evidentiary hearing to convene on April 28, 2022, at 10:00 a.m., at the offices of the Commission.

{¶ 7} On March 18, 2022, additional counsel for Toledo Edison filed a notice of appearance.

{¶ 8} Also on March 18, 2022, newly appearing counsel for Toledo Edison filed a motion to modify procedural schedule. In this motion, counsel for Toledo Edison explains that he was only recently retained for this case and that he has a scheduling conflict with the current April 28, 2022, hearing date. Additionally, counsel acknowledges that he needs an extension of time to familiarize himself with the case. Toledo Edison asserts that the motion is not being made for purposes of delay. Toledo Edison, therefore, moves for a continuance of the currently scheduled April 28, 2022, hearing date.

{¶ 9} No memoranda contra Toledo Edison's motion to modify procedural schedule were filed.

{¶ 10} After review of Toledo Edison's motion, the attorney examiner finds that it is reasonable and should be granted. The attorney examiner, therefore, reschedules the evidentiary hearing to now commence on May 26, 2022, at 10:00 a.m. The hearing shall take place at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th Floor in order to participate in the hearing. Parties will be required to abide by any COVID-related regulations required by the building and/or the Commission. As COVID-related restrictions are continually evolving, instructions regarding any safety requirements or accommodations for the hearing room may be forthcoming, either posted on the Commission website or communicated to the parties.

{¶ 11} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 12} As is the case in all Commission complaint cases, the Complainant has the burden of proving the allegations of the complaint. *Grossman v, Pub Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the evidentiary hearing in this case be rescheduled for May 26, 2022, in accordance with Paragraph 10. It is, further,

{¶ 15} ORDERED, That any party intending to present direct, expert testimony comply with Paragraph 11. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

GAP/kck

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in

Case No(s). 21-0473-EL-CSS

Summary: Attorney Examiner Entry ordering that the evidentiary hearing in this case be rescheduled for May 26, 2022, in accordance with Paragraph 10 and ordering that any party intending to present direct, expert testimony comply with Paragraph 11. electronically filed by Kelli C. King on behalf of David Hicks, Attorney Examiner, Public Utilities Commission of Ohio