

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Beverly E. )  
Jones, )

Complainant,

**V.**

SBC Ohio,<sup>1</sup>

and

Ohio Edison Company,

Respondents.

Case No. 05-950-AU-CSS

## ENTRY ON REHEARING

The Commission, considering its Opinion and Order issued September 20, 2006, the Application for Rehearing filed October 19, 2006, and the Memorandum Contra jointly filed by AT&T and Ohio Edison Company (Ohio Edison), issues this Entry on Rehearing.

- (1) On September 20, 2006, the Commission issued an opinion and order dismissing the complaint filed by Beverly E. Jones (Ms. Jones or complainant). The Commission found that Ms. Jones failed to carry the burden of showing that AT&T or Ohio Edison billed her improperly or that the companies provide excessive electrical current to her home. On October 19, 2006, Ms. Jones filed a pleading which shall be construed as an application for rehearing.

In her application for rehearing, Ms. Jones criticizes the Commission for not investigating her complaint. She also accuses the Commission of discrimination. Implying that her electric current is excessive, Ms. Jones, as she did in her testimony at the hearing, repeats that her furnace runs "hot" and appears to be straining. She also reiterates that her wooden floor is "peeling."

<sup>1</sup> After the filing of this complaint, SBC Ohio changed its name to AT&T Ohio (Case No. 05-1445-TP-ACN). Hereinafter, SBC Ohio shall be referred to as AT&T.

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Although it was never noted in her complaint or in her testimony at the hearing, Ms. Jones now alleges that the bill from her gas service company is incorrect.

- (2) On October 24, 2006, AT&T and Ohio Edison jointly filed a memorandum contra. The respondents, citing Section 4903.10, Revised Code, contend that Ms. Jones' pleading does not conform to the requirements of an application for rehearing. They highlight that she has failed to provide due notice of the filing to other parties. For failing to provide notice and a certificate of service, the respondents argue that the pleading cannot be considered an application for rehearing. Acknowledging the Commission's lenience toward *pro se* litigants, the respondents contend that the Commission has no authority to ignore or waive the statutory requirements of an application for rehearing.

In addition to the procedural defects, the respondents find that the pleading is substantively deficient. The respondents dismiss as vague and unsupported Ms. Jones' claims that the Commission discriminated against her and that the Commission failed to investigate her complaint. The respondents also point out that Ms. Jones introduces a new claim concerning high natural gas bills. Finally, the respondents contend that Ms. Jones fails to identify the basis upon which she finds the Commission's order unreasonable or unlawful.

The respondents agree that the Commission properly concluded that Ms. Jones offered no evidence to support a finding against either respondent. The respondents further agree that it was proper for the Commission to dismiss the complaint.

- (3) The application for rehearing should be denied. Section 4903.10, Revised Code, requires that an application for rehearing set forth the ground or grounds on which a Commission's order is believed to be unreasonable or unlawful. Ms. Jones' application for rehearing fails to do so. Instead, Ms. Jones asserts that the Commission failed to investigate her complaint. However, as stated in the Opinion and Order, in a complaint proceeding such as this, the complainant has the burden of proof.

In addition to failing to investigate her complaint, Ms. Jones accuses the Commission of discrimination and of favoring the respondents. Ms. Jones, however, offers no facts to substantiate these allegations. In her application for rehearing, Ms. Jones again contends that excessive electricity affects her furnace and damages her wooden floors. The Commission considered these allegations in its Opinion and Order. Ms. Jones, however, did not provide sufficient evidence to support the claim.

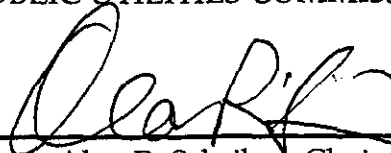
For the first time, Ms. Jones raises an issue concerning a high natural gas bill. Because the purpose of an application for rehearing is to seek review of Commission decisions, the Commission cannot consider new undecided issues. Overall, Ms. Jones has not presented any facts or arguments that would give the Commission good cause to reconsider the findings and conclusions of its Opinion and Order.

It is, therefore,

ORDERED, That the complainant's application for rehearing is denied. It is further,

ORDERED, That copies of this Entry on Rehearing be served upon all parties and interested persons of record.

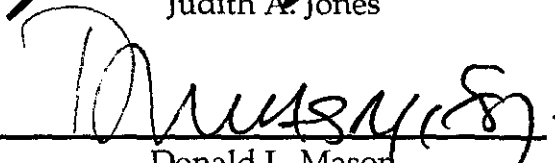
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Ronda Hartman Fergus

  
Judith A. Jones

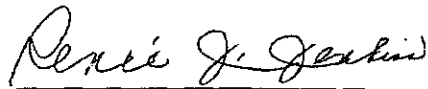
  
Valerie A. Lemmie

  
Donald L. Mason

LDJ/vrm

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**NOV 08 2006**



Renee J. Jenkins  
Secretary