

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of NLW)	
Properties Business Development, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-94-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On February 9, 2009, NLW Properties Business Development, Inc. (complainant) filed a complaint against the Ohio Edison Company (OE). Complainant alleges that, on or about August 24, 2007, a tenant of its property in Youngstown, Ohio (property) requested OE to terminate electric service to the property. Complainant further alleges that on or about February 4, 2008, OE shut off the electric service to the property without notice. Complainant claims that, as a result of the electricity shutoff, the plumbing pipes at the property froze and burst, which caused damage to the property. Complainant argues that at all relevant times, the electric service at the property remained in complainant's name. Complainant requests that it be compensated for the costs and expenses for the renovation and repair of the damage to the property.
- (2) On February 10, 2009, pursuant to Rule 4901-9-01, Ohio Administrative Code, the secretary of the Commission served a copy of the complaint on OE and directed OE to file an answer to the complaint with the Commission, along with any responsive motions, within 20 days, and to serve a copy of the answer and any motions upon the complainant.
- (3) On March 10, 2009, OE filed an answer to the complaint and a motion to dismiss the complaint. OE indicated that, through an administrative error on its part, the complaint came to its

attention on March 10, 2009. OE requests that its answer be deemed timely filed.

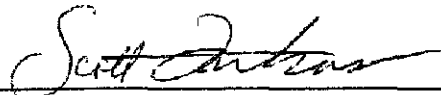
- (4) In its answer, OE admits that it supplied electric service to the property for a period on and before August 24, 2007, but it denies that complainant was the customer of record at the property during the applicable time period referenced in the complaint. In addition, OE maintains that its records demonstrate complainant contacted OE on October 24, 2008, to initiate service to the property. OE denies the remaining material allegations in the complaint.
- (5) In its motion to dismiss and for its affirmative defenses, OE contends that complainant lacks standing to bring the complaint because it was not a customer of OE for the time period referenced in the complaint. OE also argues that complainant has failed to state reasonable grounds upon which the requested relief may be granted. In addition, OE argues that it has acted in accordance with its tariff and with all applicable laws, rules, and regulations and it has breached no legal duty to the complainant.
- (6) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. An attorney examiner from the Commission's legal department will facilitate the settlement process. The parties should bring with them all documents relevant to this matter.
- (7) Accordingly, this case should be scheduled for a settlement conference on April 16, 2009, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-B, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215.
- (8) In the event that a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues at the conclusion of the settlement conference. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (9) Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

It is, therefore,

ORDERED, That a settlement conference be scheduled in accordance with finding (7). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

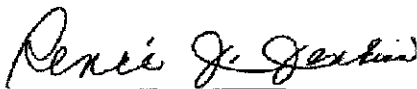


By: Scott Farkas
Attorney Examiner

not
/ct.

Entered in the Journal

MAR 13 2009



Renee J. Jenkins
Secretary