

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of NLW
Properties Business Development, Inc.,

Complainant,

v.

Ohio Edison Company,

Respondent.

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Case No. 09-94-EL-CSS

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 alleged 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 claimed that on or about February 4, 2008, OE shut off the electric service to the property without notice and that, as a result, the plumbing pipes at the property froze and burst, which caused damage to the property.
- (2) On March 11, 2009, OE filed an answer to the complaint and requested that its answer be deemed timely filed and a motion to dismiss the complaint. In its answer, OE admitted that it supplied electric service to the property for a period on and before August 24, 2007, but it denied that complainant was the customer of record at the property during the applicable time period referenced in the complaint.
- (3) A settlement conference was held in this case on April 16, 2009; however, the parties were unable to resolve this informally and requested that a hearing be scheduled. Accordingly, a hearing should be held in this case on June 15, 2009, at 10:00 a.m. at the offices of the Commission, 11th Floor, Hearing Room 11-F, 180 East Broad Street, Columbus, Ohio 43215.

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- (4) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, 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.
- (5) In complaint proceedings, the burden of proof rests with the complainant. Therefore, at the hearing, it shall be complainant's responsibility to appear and be prepared to present evidence in support of the complaint.

It is, therefore,

ORDERED, That a hearing be held on June 15, 2009, as set forth in Finding 3. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

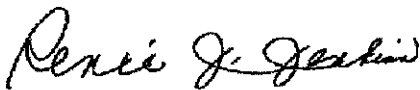


By: Scott Farkas
Attorney Examiner

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Entered in the Journal

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Renee J. Jenkins
Secretary