

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Denver R. Gatrell,)
Complainant,)
v.) Case No. 09-740-EL-CSS
Ohio Edison Company,)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On August 24, 2009, Denver R. Gatrell filed a complaint against Ohio Edison Company (Ohio Edison), alleging that Ohio Edison has not accurately billed him for his electricity usage.
- (2) On September 15, 2009, Ohio Edison filed its answer to the complaint, denying the material allegations in the complaint.
- (3) By entry of September 28, 2009, a settlement conference was scheduled in this case for October 13, 2009. At the request of the parties, the October 13, 2009, settlement conference should be rescheduled for November 9, 2009, at 10:00 a.m., at the offices of the Commission, 12th Floor, Conference Room 1247, 180 East Broad Street, Columbus, Ohio 43215.
- (4) 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. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. 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.
- (5) 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.


- (6) Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (7) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the October 13, 2009, settlement conference should be rescheduled for November 9, 2009, at 10:00 a.m., at the offices of the Commission, 12th Floor, Conference Room 1247, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


 By: Katie L. Stenman
 Attorney Examiner

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Entered in the Journal

OCT 15 2009



Renee J. Jenkins
Secretary