

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

|  |   |                        |
|--|---|------------------------|
| In the Matter of the Complaint of Forest Hills | ) |                        |
| Supermarket, Inc., dba Konnis Family Foods,    | ) |                        |
|  | ) |                        |
| Complainant,                                   | ) |                        |
|  | ) |                        |
| v.   | ) | Case No. 09-800-EL-CSS |
|  | ) |                        |
| The Cleveland Electric Illuminating            | ) |                        |
| Company,                                       | ) |                        |
|  | ) |                        |
| Respondent.                                    | ) |                        |

ENTRY

The attorney examiner finds:

- (1) On September 14, 2009, Forest Hills Supermarket, Inc., dba Konnis Family Foods (complainant) filed a complaint against The Cleveland Electric Illuminating Company (CEI), alleging that, after a power loss in the surrounding area not affecting the complainant, CEI improperly shut off complainant's power, without notice, resulting in a loss of refrigerated items.
- (2) On October 5, 2009, CEI filed its answer to the complaint, as well as a motion to dismiss, denying the allegations in the complaint and stating that CEI has not violated any rule, regulation, or tariff provision. CEI also asserts that the complainant has failed to set forth reasonable grounds for the complaint, and that because a single outage does not constitute inadequate service; complainant's allegations are insufficient as a matter of law.
- (3) A settlement conference was held on October 18, 2009; however, the parties were unable to resolve the matter.
- (4) The attorney examiner finds that reasonable grounds for complaint have been stated. Accordingly, as agreed upon by the parties, this case should be scheduled for a hearing on March 16, 2010, at 10:00 a.m., in hearing room 11-C at the offices of the Commission, 180 East Broad Street, 11th floor, Columbus, Ohio 43215-3793.

- (5) Additionally, all expert testimony and each party's witness list shall be filed with the Commission no later than March 2, 2010, and a prehearing conference shall be scheduled for 10:00 a.m. on March 2, 2010, in hearing room 11-C at the offices of the Commission.

It is, therefore,

ORDERED, That the hearing be scheduled in accordance with Finding (4). It is, further,

ORDERED, That the procedural schedule set forth in Finding (5) be adopted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman  
Attorney Examiner

gag/dah

Entered in the Journal

**NOV 24 2009**

Renee J. Jenkins

Renee J. Jenkins  
Secretary