

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
VASHON MCINTYRE,)
)
Complainant,) Case No. 08-40-GA-CSS
)
v.)
)
The East Ohio Gas Company d/b/a)
Dominion East Ohio,)
)
Respondent.)

In the Matter of the Complaint of)
VASHON MCINTYRE,)
)
Complainant,) Case No. 08-64-EL-CSS
)
v.)
)
The Cleveland Electric Illuminating)
Company,)
)
Respondent.)

ENTRY

The Commission finds:

- (1) On January 15, 2008, VASHON MCINTYRE (complainant) filed complaints against The East Ohio Gas Company d/b/a Dominion East Ohio (DEO), in Case No. 08-40-GA-CSS (08-40), and against The Cleveland Electric Illuminating Company (CEI), in Case No. 08-64-EL-CSS (08-64).
- (2) On February 4, 2008, DEO filed its answer to the complaint in 08-40, and CEI filed its answer in 08-64. DEO and CEI filed joint motions to dismiss on February 4, 2008, and July 7, 2010. The July 7, 2010, joint motion to dismiss contends that complainant has failed to prosecute her case. Complainant did not respond to either dismissal motion.

- (3) By entry issued on November 24, 2009, both complaint cases (08-40 and 08-64) were consolidated.
- (4) The November 24, 2009, entry also set this matter for a settlement conference on January 12, 2010. The entry was served upon the complainant by certified mail, which was returned unsigned. The complainant did not appear at the January 12, 2010, settlement conference.
- (5) By entry issued on February 3, 2010, this matter was set for a telephonic settlement conference on February 23, 2010. The February 3, 2010, entry was served upon the complainant by regular United States mail.
- (6) By correspondence filed on February 8, 2010, the complainant provided an updated address and telephone number. The complainant also indicated that she did not receive notice of the January 12, 2010, settlement conference because service was attempted at an outdated address.
- (7) While the February 23, 2010, telephonic settlement conference was held as scheduled, the complainant did not participate. Attempts to reach the complainant by phone were unsuccessful.
- (8) The telephonic settlement conference in this matter was subsequently rescheduled two other times, for April 8, 2010, and June 23, 2010. The complainant did not participate in either of these settlement conferences. The entries setting the April 8, 2010, and June 23, 2010, settlement conferences each stated that failure of the complainant to participate in the rescheduled settlement conference may result in the attorney examiner recommending dismissal of the complaints.
- (9) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaints. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

- (10) Since the burden of proof rests upon the complainant, and because she has failed to prosecute her complaints, the Commission finds that the joint motion to dismiss, filed on July 7, 2010, is reasonable and should be granted. Accordingly, the Commission finds that the complaints should be dismissed.

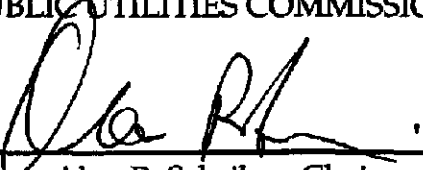
It is, therefore,

ORDERED, That the joint motion to dismiss filed on July 7, 2010, be granted. It is further,

ORDERED, That the complaints in 08-40 and 08-64 be dismissed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman




Paul A. Centolella



Valerie A. Lemmie



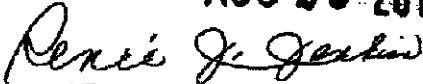
Steven D. Lesser



Cheryl L. Roberto

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Entered in the Journal

AUG 25 2010


Renee J. Jenkins

Renee J. Jenkins
Secretary