

THE PUBLIC UTILITIES COMMISSION OF OHIO

Respondent.

**Case No. 11-3267-EL-CSS**

**The attorney examiner finds:**

- (1) On June 15, 2011, Dorita Walker (complainant) filed a complaint against The Cleveland Electric Illuminating Company (respondent, or CEI). The complaint is set out upon a complaint form provided by the Commission. However, aside from including a copy of a detailed statement of the complainant's account with the respondent, along with a heading setting forth the name and address of the complainant and the respondent, and a signature line setting forth the complainant's signature, the form is left completely blank. In other words, it contains no allegations of fact or any other information identifying the basis of the complaint. Further, it contains no statement of the relief being requested.
- (2) Section 4905.26, Revised Code, provides that, upon complaint against any public utility by any person, firm, or corporation that any rate, charge, or service is in any respect unjust, unreasonable, unjustly discriminatory, in violation of law, or is inadequate, the Commission, upon finding reasonable grounds, shall schedule the matter for hearing.
- (3) Rule 4901-9-01(B), Ohio Administrative Code (O.A.C.), provides, in part, that all complaints filed under Section 4905.26, Revised Code, except complaints filed by a public utility concerning a matter affecting its own product or service, shall be in writing and shall contain, among other things, a statement which clearly explains the

facts which constitute the basis of the complaint, and a statement of the relief sought. It further states that, if discrimination is alleged, the facts that allegedly constitute discrimination must be stated with particularity.

- (4) In the complaint, as filed on June 15, 2011, there is no allegation that the service rendered by CEI is, or has been, in any respect unjust, unreasonable, unjustly discriminatory, in violation of law, inadequate, or in violation of Chapter 4905, Revised Code, or any rule of the O.A.C. It further does not contain a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. Accordingly, there is presently no basis to find reasonable grounds for the complaint.
- (5) Therefore, within 30 days of the date of this entry, the complainant should file an amended complaint that clarifies what service of CEI was or is in any respect unjust, unreasonable, unjustly discriminatory, inadequate, or in violation of Chapter 4905, Revised Code, or any rule set forth in the O.A.C. The amended complaint should include a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. Upon the filing of the amended complaint, CEI should timely file an answer or other responsive pleading in accordance with Rule 4901-9-01, O.A.C. However, under the circumstances presented of record, CEI's obligation under that rule, to file an answer or other responsive pleading with respect to the complaint as originally filed on June 15, 2011, is waived.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of providing the allegations of the complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1966).

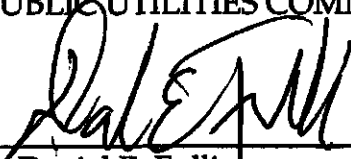
It is, therefore,

ORDERED, That complainant file an amended complaint and CEI file a responsive pleading as set forth in Finding (5). It is, further,

ORDERED, That CEI's obligation under Rule 4901-9-01, O.A.C., to file an answer or other responsive pleading with respect to the complaint as originally filed on June 15, 2011, is waived.

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

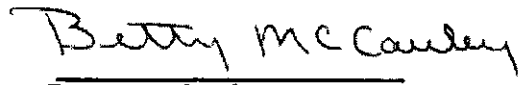
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin  
Attorney Examiner

dah

Entered in the Journal  
JUN 17 2011



Betty McCauley  
Secretary