

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Antoinette Watson, III)	
)	
Complainant,)	
)	
v.)	Case No. 12-1063-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On March 26, 2012, Antoinette Watson, III (complainant) filed a complaint against The Cleveland Electric Illuminating Company (CEI). The complainant alleges that the respondent unreasonably denied her application for service.
- (2) On April 16, 2012, CEI filed its answer denying the complainant's substantive allegations. Further, CEI set forth affirmative defenses including that the complaint fails to set forth reasonable grounds for complaint; that it does not set forth a claim upon which relief can be granted; that the complainant is not a customer of CEI and therefore lacks standing to bring her complaint; that CEI has no legal duties to the complainant that are subject to the Commission's jurisdiction; and that CEI has at all times complied with the Revised Code, the rules, regulations, and orders of the Commission, and its tariffs. Further, CEI requests dismissal of the complaint.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement 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 (O.A.C.), 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 discussion. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.


- (4) Accordingly, a settlement conference shall be scheduled for June 13, 2012, at 1:00 p.m., in Conference Room 1246, in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) 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.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a prehearing settlement conference be held in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

MAY 09 2012



Barcy F. McNeal
Secretary