

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Jenanne )  
Brown, )  
 )  
 Complainant, )  
 )  
 v. ) Case No. 12-1861-EL-CSS  
 )  
 The Cleveland Electric Illuminating )  
 Company, )  
 )  
 Respondent. )

ENTRY

The attorney examiner finds:

- (1) On June 19, 2012, Ms. Jenanne Brown (Ms. Brown or complainant) filed a complaint against the respondent, The Cleveland Electric Illuminating Company (CEI). The complaint contains only two sentences. The first sentence states that the complainant does "not want to pay for services ending in year (2003), month (January)." The second sentences states that "new service began year (2012) month (January)."
- (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. Rule 4901-9-01, Ohio Administrative Code (O.A.C.), provides, in pertinent part, that complaints filed under Section 4905.26, Revised Code, shall contain a "statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought."
- (3) CEI filed an answer to the complaint on July 9, 2012. In its answer, CEI denies the allegations contained in the complaint. The respondent, in its answer, sets forth several affirmative defenses, including that the complaint fails to set forth reasonable grounds

for a complaint inasmuch as the complainant has not alleged that CEI has violated any statute, tariff provision, rule, regulation, or order of the Commission.

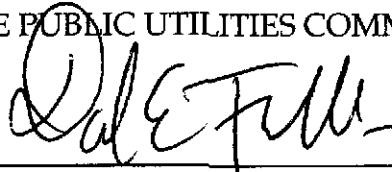
- (4) The attorney examiner finds that the complaint, as filed, contains no allegation whatsoever that the complainant has received any utility service from the respondent that was or is in any respect unjust, unreasonable, unjustly discriminatory, inadequate, or in violation of Chapter 4905, Revised Code, or any rule set forth in the O.A.C. Nor does the complaint contain any allegation that the respondent has charged her for utility service in a manner that 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. Likewise, the complaint contains no allegation that that the respondent has, in any way, violated any statute, tariff provision, rule, regulation, or order of the Commission. Finally, the complaint fails to identify the form of relief that complainant is seeking in this matter. Accordingly, there is no basis to find reasonable grounds for the complaint as it is presently worded.
- (5) Therefore, on or before July 30, 2012, Ms. Brown should file an amended complaint that: (1) specifically states what service or charge she received from the respondent that 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.; (2) explains why she believes that such service or charge was or is unjust, unreasonable, unjustly discriminatory, inadequate, or in violation of Chapter 4905, Revised Code, or any rule set forth in the O.A.C.; and (3) explains what relief Ms. Brown is seeking in this case. Failure to amend the complaint as directed may result in a recommendation that this complaint be dismissed.
- (6) Within 20 days after the filing of the amended complaint, CEI should file an amended answer or other responsive pleading.
- (7) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That Ms. Brown file an amended complaint and CEI file a responsive pleading as set forth in Findings (5) and (6). 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



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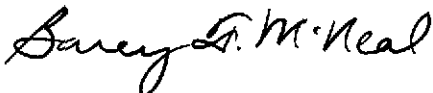
By: Daniel E. Fullin  
Attorney Examiner

*JEH*  
/dah

Entered in the Journal

**JUL 10 2012**

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Barcy F. McNeal  
Secretary