

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 Commission 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) On July 10, 2012, the attorney examiner issued an entry which found that, for various reasons as specified in the entry, the complaint, as filed, fails to set forth reasonable grounds for proceeding to a hearing in this case. The entry found 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. The entry further specified that the complaint, as filed, does not 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 entry specified that the complaint, as filed, contains no allegation that that the respondent has, in any way, violated any statute, tariff provision, rule, regulation, or order of the Commission. The entry also found that the complaint, as filed, fails to identify the form of relief that complainant is seeking in this matter.
- (5) The July 10, 2012, entry directed Ms. Brown to, on or before July 30, 2012, file an amended complaint that: (a) 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.; (b) 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 (c) explains what relief Ms. Brown is seeking in this case. The entry specified that the complainant's failure to timely amend the complaint as directed may result in dismissal of this case.
- (6) To date, the complainant has failed to submit any amended complaint as required under the July 10, 2012, entry. In fact, the complainant has never filed any additional information or any pleading of any kind in this case since initially filing her original complaint on June 19, 2012.

- (7) Upon review of the record as a whole, and especially in light of the circumstances described in Findings (5) and (6), above, the Commission concludes that this case should now be dismissed for lack of sufficient prosecution by the complainant.

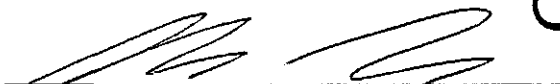
It is, therefore,

ORDERED, That, in accordance with the above findings, Case No. 12-1861-EL-CSS be dismissed for lack of sufficient prosecution by the complainant. It is, further,

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

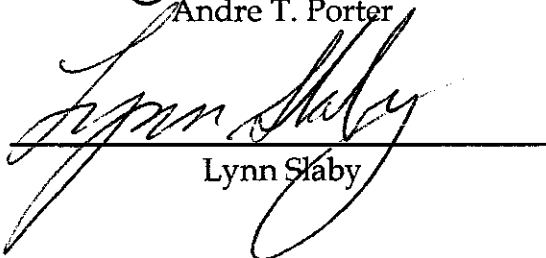
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

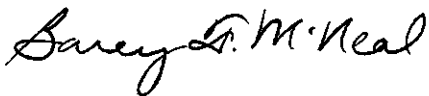

Cheryl L. Roberto


Andre T. Porter


Lynn Slaby

DEF/sc

Entered in the Journal **AUG 15 2012**



Barcy F. McNeal
Secretary