

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Gwendolyn Tandy,)
)
 Complainant,)
)
 v.) Case No. 12-2102-EL-CSS
)
 Cleveland Electric Illuminating Company,)
)
 Respondent.)

ENTRY

The Attorney Examiner finds:

- (1) On July 17, 2012, Gwendolyn Tandy (complainant) filed a complaint with the Commission against Cleveland Electric Illuminating Company (CEI or respondent). In the complaint, Ms. Tandy argues that she has been billed improperly. More specifically, Ms. Tandy states four billing issues: (a) her electric bill showed a credit of \$12.29 on February 1, 2011, but by March 2, 2012, reflected a balance due of \$443.98; (b) a letter dated June 28, 2012, from CEI to Ms. Tandy summarizing the activity on her account is misleading; (c) that CEI is not properly reflecting the payments made on her electric account; and (d) Ms. Tandy was re-enrolled in the PIPP program on February 5, 2012, which her monthly electric bills do not accurately reflect.
- (2) On August 6, 2012, CEI filed its answer to the complaint. In its answer, CEI alleges that the complaint fails to set forth reasonable grounds to sustain a complaint. Further, CEI states that the company has at all times acted in compliance with its tariff on file with the Commission, and the rules, regulations and the laws of the state of Ohio and accepted standards and practices in the electric industry. The respondent also asserts that Ms. Tandy lacks standing to bring certain claims raised in the complaint. Finally, CEI requests that the complaint be dismissed.

- (3) A settlement conference in this matter was held on September 27, 2012. However, Ms. Tandy and CEI were unable to reach a mutually agreeable resolution of the complaint.
- (4) Section 4905.26, Revised Code, provides in relevant part:

Upon complaint in writing against any public utility by any person... that any regulation, measurement, or practice affecting or relating to any service furnished by said public utility, or in connection with such service, is, or will be, in any respect unreasonable, unjust, insufficient ...if it appears that reasonable grounds for complaint are stated, the commission shall fix a time for hearing
- (5) Ms. Tandy alleges certain bill inaccuracies occurred February 1, 2011, through July 2012, and that her electric bill does not properly reflect her enrollment in the PIPP program. The complaint alleges that the bill inaccuracies cause unreasonable and unjust customer charges on her account. As such, the complaint presents sufficient grounds to sustain a complaint pursuant to Section 4905.26, Revised Code, and, therefore, CEI's request to dismiss the complaint is denied.
- (6) On October 29, 2012, Ms. Tandy filed additional information in the complaint arguing that her account reflected a zero balance but the July 5, 2012, bill states a balance due of \$423.82. Ms. Tandy asserts that the bill is incorrect and CEI owes her a refund of \$363.96. The complainant also attaches select pages from her CEI bills dated July 6, 2012, August 7, 2012, September 7, 2012, and October 8, 2012, and a document from CEI dated July 29, 2012, entitled "Summary of Statement" for the period July 29, 2011 to July 29, 2012.
- (7) The Attorney Examiner emphasizes that to the extent that the information filed by the complainant on October 29, 2012, raises claims which were not part of the original complaint filed on July 17, 2012, those new claims will not be addressed as part of this case.
- (8) Accordingly, this matter should be scheduled for a hearing. A hearing in this matter is scheduled to commence on December 4, 2012, at 9:00 a.m., at the offices of the Commission, 180 East

Broad Street, 11th floor, Hearing Room C, Columbus, Ohio
43215-3793.

- (9) In Commission proceedings, the complainant has the burden of proving the allegations of the complaint. Thus, at the hearing it shall be Ms. Tandy's responsibility to appear and be prepared to present evidence in support of the complaint. Should Ms. Tandy fail to appear, the Attorney Examiner may recommend to the Commission that this case be dismissed.

It is, therefore,

ORDERED, That this case be scheduled for a hearing on December 4, 2012, at 9:00 a.m., in Hearing Room 11-C, at the offices of the Commission. It is, further,

ORDERED, That CEI's request to dismiss the complaint is denied. It is, further,

ORDERED, That a copy of this entry be served upon Ms. Tandy, CEI and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Greta See

By: Greta See
Attorney Examiner

jrj/vrm

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in

Case No(s). 12-2102-EL-CSS

Summary: Attorney Examiner Entry scheduling a hearing for December 4, 2012, at 9:00 a.m. electronically filed by Vesta R Miller on behalf of Greta See, Attorney Examiner, Public Utilities Commission of Ohio