

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Donald Sindledecker,)
)
 Complainant,)
)
 v.) Case No. 13-740-EL-CSS
)
 Ohio Edison Company,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On March 26, 2013, Donald Sindledecker filed a complaint against Ohio Edison Company, contending that he has been overbilled for electric use. Mr. Sindledecker asserts that Ohio Edison estimated his electric usage as “a lot higher than I use,” and that the frequency of such estimates was unnecessary, having occurred during six months out of a twelve month period.
- (2) Ohio Edison filed its answer on April 15, 2013. Ohio Edison stated that it has made reasonable attempts to obtain actual readings of Mr. Sindledecker’s meter, and that actual readings occurred in September, October, and December 2012 and January and April 2013. Ohio Edison further explains that in March 2013 Mr. Sindledecker’s usage was estimated because of an unsecured dog on the premises. Finally, Ohio Edison notes that in instances where Mr. Sindledecker’s bill is based upon estimated usage, Ohio Edison reconciles its estimate with his actual usage as determined in the next actual meter reading, and therefore, he has not been overcharged.
- (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 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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for May 21, 2013, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 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 settlement conference be scheduled for May 21, 2013, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn
Attorney Examiner

GAP/sc

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in

Case No(s). 13-0740-EL-CSS

Summary: Attorney Examiner Entry ordered a 2:00 p.m. settlement conference for 05/21/2013 at the Commission offices, 180 E. Broad St., 12th Flr., Rm. 1247, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio