

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Bruce Snyder,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-2031-EL-CSS
	)	
First Energy Solutions,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On October 2, 2013, Bruce Snyder (Complainant) filed a complaint against FirstEnergy Solutions (FES), alleging that on May 22, 2013, he applied online at the FES website for a \$.0536 per KWh rate for three years. Complainant adds that his telephone conversation several days later with a FES service representative seemingly confirmed that he would receive the \$.0536 rate starting in June 2013, but such a rate never appeared on his June 2013 bill or on any subsequent bills. He believes that FES is reneging on a valid contract and seeks compensation for lost savings for three years that the contract would have been effective, as well as compensation for time spent trying to resolve the issue.
- (2) FES filed its answer on October 22, 2013, by admitting that Complainant, a customer of The Dayton Power & Light Company, applied for electric service at \$.0536 per KWh, but adds that such a rate was available only for Duke Energy Ohio, Inc. customers. FES adds that Complainant's application was rejected because he was not a Duke customer and that he was informed of this by letter. FES admits that Complainant was offered a rate of \$.0594 per KWh, which he rejected, and asserts that Complainant "was offered reimbursement for lost savings."
- (3) By entry issued October 30, 2013, the attorney examiner scheduled a December 17, 2013, settlement conference. The parties participated in the conference but were unable to resolve matters.

- (4) The attorney examiner finds that Complainant has presented reasonable grounds for complaint. Accordingly, a hearing shall be scheduled for May 15, 2014, at 9:00 A.M. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215.
- (5) Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (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.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That a hearing be scheduled as indicated in Finding (4). It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

By: James M. Lynn  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/18/2014 3:46:40 PM**

**in**

**Case No(s). 13-2031-EL-CSS**

Summary: Attorney Examiner Entry schedules a hearing as indicated in Finding (4) and orders any party intending to present direct, expert testimony to comply with Finding (5). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio