

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )	
Gwendolyn Tandy, )	
Complainant, )	
v. )	Case No. 14-1241-EL-CSS
The Cleveland Electric Illuminating )	
Company and FirstEnergy Solutions )	
Corporation, )	
Respondents. )	

ENTRY

The attorney examiner finds:

- (1) On July 11, 2014, Gwendolyn Tandy (Complainant) filed a complaint with the Commission against the Cleveland Electric Illuminating Company (CEI). In the complaint, Complainant states that she opted out of the electric aggregation program offered by the city of Euclid on September 9, 2013. Complainant claims that it took nine months for FirstEnergy Solutions Corporation (FES) to cancel her service with FES. In support of the complaint, the Complainant attaches an undated notice that her electric service has been disconnected and a confirmation letter from CEI dated July 25, 2013. The confirmation letter states, in part, that FES will be the Complainant's electric generation supplier commencing with her next scheduled meter reading on August 7, 2013. The Complainant states that the program was not a benefit to her, as the charges on her bill increased. The Complainant argues the program amounts to fraud and theft.
- (2) On August 4, 2014, CEI filed its answer to the complaint and a motion to dismiss. In its answer, CEI admits that the Complainant's total current charges were \$131.55 for February 2014, \$131.64 for March 2014, and were \$95.67 for April 2014. Further, CEI states that it is without sufficient knowledge or information to admit or deny the Complainant opted out of the Euclid aggregation on September 9, 2013, the remaining

allegations listed on the first and third pages of the complaint, or the handwritten notes on the second and fourth pages of the complaint. CEI avers that the disconnection notice and confirmation letter speak for themselves. CEI states that the Complainant was disconnected for nonpayment on May 30, 2014. Further, CEI asserts that the complaint is barred by res judicata, laches, waiver, and estoppel.

- (3) By Entry issued on August 5, 2014, the attorney examiner made FES a party to this proceeding and directed FES to file an answer or other responsive pleading to the complaint within 20 days of the journalization of the Entry.
- (4) On August 25, 2014, FES filed its answer to the complaint. In its answer, FES denies that the Complainant opted out of the Euclid aggregation on September 9, 2013, but admits that the Complainant attempted to terminate her service with FES. FES states Complainant's service with FES was terminated on April 17, 2014, and the termination fee was waived. Further, FES states that it is without sufficient knowledge or information to admit or deny the remaining statements in the complaint or in the documents attached to the complaint.
- (5) CEI and FES allege that the complaint fails to set forth a claim for which relief may be granted and fails to set forth reasonable grounds for complaint pursuant to R.C. 4905.26.
- (6) At this time, the attorney examiner finds that a settlement conference should be scheduled in this case to discuss settlement of the issues presented. The settlement conference in this matter is scheduled for October 7, 2014, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (7) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of CEI and FES shall investigate the issues raised in 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.

- (8) 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 settlement conference is scheduled for October 7, 2014, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Greta See

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By: Greta See  
Attorney Examiner

JRJ/dah

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

**Commission of Ohio Docketing Information System on**

**9/11/2014 8:55:01 AM**

**in**

**Case No(s). 14-1241-EL-CSS**

Summary: Attorney Examiner Entry that a settlement conference is scheduled for October 7, 2014, at 1:00 p.m.; electronically filed by Debra Hight on behalf of Greta See, Attorney Examiner.