

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Gwendolyn Tandy,)
)
Complainant,)
) Case No. 14-1241-EL-CSS
v.)
)
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. The Complainant further 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 states that it is without sufficient knowledge or information to admit or deny the Complainant opted out of the Euclid aggregation program on September 9, 2013. Further, CEI asserts that the complaint is barred by res judicata, laches, waiver, and estoppel. In its motion to dismiss, CEI requests that the complaint be dismissed with prejudice, as the claims are unrelated to CEI. CEI states that it did not receive or process any requests regarding the Euclid governmental aggregation program and the Complainant's allegations do not address CEI's role in providing the Complainant's electric service.

- (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 issuance 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 program 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) Consistent with the Commission's policy in complaint cases, this complaint was scheduled for a settlement conference to facilitate the possibility of the parties resolving the issues raised in the complaint without the need for a hearing. By Entry issued on September 11, 2014, this complaint was scheduled for a settlement conference on October 7, 2014, at the Commission's offices.
- (6) The Commission notes that on October 1, 2014, the Complainant contacted the Commission to determine the date and time of the conference. The assigned attorney examiner returned the Complainant's call and informed her of the date and time of the settlement conference in this matter. However, the Complainant failed to appear for the settlement conference on October 7, 2014, or to inform the attorney examiner, in advance, that she would be unable to appear.
- (7) On October 15, 2014, FES filed a motion to dismiss the complaint, with prejudice, for failure to set forth reasonable grounds to sustain a complaint and for lack of prosecution. FES states that the Complainant's failure to appear wastes the resources of the respondents and the Commission Staff. Accordingly, FES requests that the complaint be dismissed with prejudice.
- (8) On October 27, 2014, Complainant filed 24 pages asserting various allegations. In regards to the issues raised in this case,

Complainant states that she disagrees with FES' motion to dismiss for failure to set forth reasonable grounds for a complaint and avers that the documents filed demonstrate otherwise.¹

- (9) Recently, Complainant contacted the assigned attorney examiner and stated that she has been unable to find counsel to represent her in this matter. Complainant will have until December 1, 2014, to secure counsel and for counsel to file an appearance in this case. If Complainant fails to secure counsel, or to indicate that she wishes to continue without counsel with the prosecution of her complaint by December 1, 2014, then the assigned attorney examiner will recommend to the Commission that the complaint be dismissed for failure to prosecute.

It is, therefore,

ORDERED, That the Complainant comply with Finding (9). 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

By: Greta See
Attorney Examiner

SEF/dah

¹ The remaining 22 pages of the correspondence raise allegations in regards to another utility company.

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in

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

Summary: Attorney Examiner Entry that the Complainant will have until December 1, 2014, to comply with Finding (9) of this Entry; electronically filed by Debra Hight on behalf of Greta See, Attorney Examiner.