

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Sandra Barron,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1026-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On May 28, 2015, Sandra Barron (Ms. Barron or Complainant) filed a complaint against Ohio Edison Company (Ohio Edison), alleging that after she emerged from bankruptcy in April 2014, Ohio Edison deliberately delayed creation of a new account into which she could repay what she owed. Further, she asserts, Ohio Edison claimed that Ms. Barron owed an amount "more than half the income" of her household, which consists of disabled persons. Complainant seeks a stay of disconnection until the parties can agree on "a reasonable payment."
- (2) On June 18, 2015, Ohio Edison filed its answer and a memorandum contra the request for stay of disconnection. In its answer, Ohio Edison contends that it has offered Complainant many remedies for repayment that are available under Commission rules, including but not limited to payment plans, medical certification, and winter reconnection. Despite such offers, Ohio Edison adds, Ms. Barron has not made a payment on her account since December 1, 2014, and has failed to pay current amounts on her account.

In its memorandum contra, Ohio Edison explains that although it has voluntarily stayed disconnection of Complainant until July 28, 2015, Complainant has not paid current amounts owed on the account, and has not paid

anything on the account since December 1, 2014. Ohio Edison observes that, pursuant to Ohio Adm.Code 4901-9-01(E), a person filing a complaint that includes a written request for a stay of disconnection must, while the complaint is pending, pay all amounts that are not in dispute. Ohio Edison asserts that, while Complainant disputes the past due balance on the account, there is no dispute regarding recent bills, yet Complainant has not paid or attempted to pay. Ohio Edison asserts that it will begin disconnection on or after August 1, 2015, unless Ms. Barron pays her most recent bill.

- (3) Ms. Barron did not respond to the memorandum contra.
- (4) The attorney examiner finds that, pursuant, to Ohio Adm.Code 4901-9-01(E), Complainant must, while the complaint is pending, pay all amounts not in dispute. In addition, while the complaint is pending, Ohio Edison shall not terminate Complainant's electric service.
- (5) The attorney examiner further 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 Ohio Adm.Code 4901-1-26, 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.
- (6) Accordingly, a settlement conference shall be scheduled for July 17, 2015, at 11:00 A.M. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. 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.

- (7) Pursuant to Ohio Adm.Code 4901-1-26(F) 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.
- (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 Complainant pays, while the complaint is pending, all amounts that are not in dispute. It is, further,

ORDERED, That Ohio Edison not terminate electric service to Complainant while the complaint is pending. It is, further,

ORDERED, That a settlement conference be scheduled for July 17, 2015, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, 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

JRJ/sc

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in

Case No(s). 15-1026-EL-CSS

Summary: Attorney Examiner Entry directing Complainant to pay amounts not in dispute, directing Ohio Edison not to terminate service while the complaint is pending, and scheduling the settlement conference in accordance with Finding (6). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio