

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DON HABEGGER,**

COMPLAINANT,

V.

CASE NO. 16-1208-EL-CSS

THE TOLEDO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on January 25, 2017

I. SUMMARY

{¶ 1} The Commission grants Toledo Edison's motion to dismiss and finds that this case should be dismissed and closed of record.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} The Toledo Edison Company (Toledo Edison or the Company) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On May 27, 2016, Don Habegger (Complainant) filed this complaint against Toledo Edison. In the complaint, Complainant stated that he was being wrongly billed for electric service at an apartment that he owns. Further, Complainant stated that Toledo

Edison automatically switched over the power at the apartment to his name without his permission.

{¶ 5} On June 15, 2016, Toledo Edison filed an answer admitting some and denying other allegations in the complaint. The Company also stated that it lacked sufficient knowledge to either confirm or deny still other allegations.

{¶ 6} A settlement conference was convened in this matter on August 4, 2016, and a hearing subsequently was scheduled on January 24, 2017.

{¶ 7} On December 20, 2016, Toledo Edison filed motions to continue the hearing and to dismiss the complaint.

{¶ 8} In support of its motions, Toledo Edison stated that the Company has refunded Complainant and/or credited Complainant's account the \$404.66 that he disputes. According to Toledo Edison, the complaint has been satisfied, and the Company requested that the case be dismissed. Further, Toledo Edison requested that the hearing in this matter be continued in order to save the resources of the parties.

{¶ 9} By Entry issued January 6, 2017, Toledo Edison's motion to continue the hearing was granted, subject to rescheduling, if necessary, to a date to be set by subsequent entry.

{¶ 10} Ohio Adm.Code 4901-9-01(F) provides that, if the public utility complained against files an answer or motion which asserts that the complaint has been satisfied and no response is filed within 20 days, the Commission may presume that satisfaction has occurred and dismiss the complaint. No response to Toledo Edison's motion has been filed. Accordingly, this case should be dismissed.

{¶ 11} The Commission finds that Toledo Edison's motion to dismiss is reasonable and that this case should be dismissed and closed of record.

III. ORDER

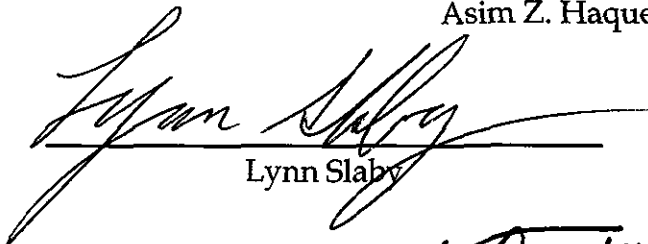
{¶ 12} It is, therefore,

{¶ 13} ORDERED, That this case be dismissed and closed of record. It is, further,

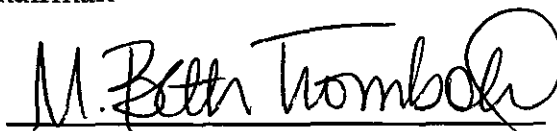
{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

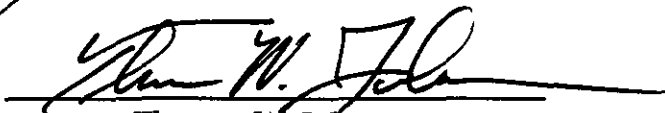
Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

KKS/vrm

Entered in the Journal

~~JAN 25 2017~~



Barcy F. McNeal
Secretary