

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
PERRY K. GELLER,**

COMPLAINANT,

v.

CASE NO. 17-619-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on May 5, 2017

{¶ 1} 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.

{¶ 2} The Cleveland Electric Illuminating Company (CEI or Company) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On March 1, 2017, Perry K. Geller (Complainant) filed a complaint against CEI. The Complainant alleges that on April 14, 2016, he entered into a contract with CEI to receive electric service at his Rock Creek, Ohio residential property. On June 2, 2016, he mailed CEI a check for \$7,809.23 to pay for installation. The Complainant alleges that CEI laid the cable and set up the transformer by September 27, 2016. The Complainant applied for a residential meter permit which was approved on October 17, 2016. The Complainant notified CEI concerning the approval and that it could install an electric meter and provide power to his property. On November 28, 2016, the Complainant visited the Rock Creek property and discovered that there was no electric power.

{¶ 4} The Complainant alleges that he contacted CEI and was informed that service began on October 25, 2016. The Complainant received a bill for service for the period October 25, 2016, to November 17, 2016, and made payment in full. The Complainant alleges that he received a second bill for the same period, which stated that he was being switched from residential to commercial service. In a December 15, 2016 statement, the Complainant alleges that he was billed for the period November 18, 2016, to November 29, 2016.

{¶ 5} The Complainant alleges that CEI has never provided power to his property, has referred his account to a collection agency, and has improperly converted him to commercial service. The Complainant believes that his home has been burglarized twice because of a lack of electric service.

{¶ 6} For relief, the Complainant demands that he be provided power, that his bills be withdrawn from collection, and that he be billed at a residential rate from the commencement of service.

{¶ 7} On March 21, 2017, CEI filed an answer to the complaint. CEI admits to entering into a contract for residential line extension and that it received a payment of \$7,803.29. CEI admits to sending two bills for the period October 25, 2016, through November 17, 2016. CEI alleges that it improperly billed the Complainant at a residential rate in one of the two bills. CEI denies that it changed service from residential to commercial. CEI explains that it provided commercial service from the beginning and never provided residential service because the Complainant's property does not meet the requirements for residential service. CEI denies that there was no power at the Complainant's property on November 28, 2016. CEI admits that it disconnected service for safety reasons when a non-employee of the Company removed the meter. CEI contends that the complaint fails to set forth reasonable grounds.

{¶ 8} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties'

willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner with the Commission's Legal Department will facilitate the settlement process.

{¶ 9} Accordingly, a settlement conference shall be scheduled for May 24, 2017, at 1:30 p.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 10} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the Company shall investigate the issues raised in the complaint prior to the settlement conference, and all parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties participating in the settlement conference should have with them all documents relevant to this matter.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a settlement conference be held on May 24, 2017, at 1:30 p.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

JRJ/vrm/dah

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Case No(s). 17-0619-EL-CSS

Summary: Attorney Examiner Entry scheduling May 24, 2017, settlement conference. Entry electronically filed by Debra Hight on behalf of L. Douglas Jennings, Attorney Examiner.