

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MERVIN HOLLOPETER,

COMPLAINANT,

V.

CASE NO. 17-710-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on June 26, 2017

{¶ 1} On April 20, 2017, the attorney examiner issued an Entry scheduling a May 9, 2017 settlement conference in this matter.

{¶ 2} The settlement conference was conducted on May 9, 2017. Counsel for The Cleveland Electric Illuminating Company (CEI) was present, but complainant Mervin Hollopeter did not attend.

{¶ 3} Accordingly, to allow Mr. Hollopeter another opportunity for mediation, the settlement conference shall be rescheduled to July 6, 2017, at 10:00 a.m., and shall be conducted by telephone. At that time, the parties shall dial (866) 209-2820 and enter conference code 4172579639 to participate.

{¶ 4} 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. 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.

{¶ 5} 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.

{¶ 6} 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).

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the settlement conference be conducted by telephone, as indicated in Paragraph 3, and rescheduled to July 6, 2017, at 10:00 a.m. It is, further,

{¶ 9} 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). 17-0710-EL-CSS

Summary: Attorney Examiner Entry directing the settlement conference be conducted by telephone as indicated in Paragraph 3 and rescheduled to 07/06/2017 at 10:00 a.m. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio