

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
GWENDOLYN TANDY,**

**COMPLAINANT,**

**v.**

**CASE No. 17-1567-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**IN THE MATTER OF THE COMPLAINT OF  
GWENDOLYN TANDY,**

**COMPLAINANT,**

**v.**

**CASE No. 17-1568-GA-CSS**

**THE EAST OHIO GAS COMPANY D/B/A  
DOMINION ENERGY OHIO,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on April 25, 2018

**I. SUMMARY**

{¶ 1} The Commission dismisses the complaints filed by Gwendolyn Tandy against The Cleveland Electric Illuminating Company and The East Ohio Gas Company d/b/a Dominion Energy Ohio.

**II. DISCUSSION**

{¶ 2} The Cleveland Electric Illuminating Company (CEI) is an electric distribution utility, as defined in R.C. 4928.01(A)(6), and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion) is a natural gas company, as defined in R.C. 4905.03, and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} Pursuant to R.C. 4905.26, the Commission has the authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory. If it appears that reasonable grounds for complaint are stated, the Commission shall fix a time for a hearing.

{¶ 5} On July 10, 2017, as supplemented on February 23, 2018, Gwendolyn Tandy (Ms. Tandy or Complainant) filed with the Commission a complaint against FirstEnergy Corporation in Case No. 17-1567-EL-CSS. FirstEnergy Corporation is the parent company of CEI and CEI provides the Complainant's electric distribution service. In the complaint, Ms. Tandy requests a statement of account from June 1, 2006, to October 1, 2016, and a monthly statement which reflects a \$500.00 payment made on October 19, 2016. With her complaint, Ms. Tandy includes a letter from CEI, dated December 19, 2016, with a detailed statement of account for the period January 25, 2016, through November 7, 2016. Ms. Tandy states she is unable to read the balances. Ms. Tandy also includes a letter from CEI, dated July 20, 2015, regarding missed payments. In the letter dated July 20, 2015, CEI requests that Ms. Tandy submit to CEI a copy of the front and the back of all checks or money orders for alleged payments not reflected on her electric account. In the complaint, Ms. Tandy objects to providing the requested information for payments that Complainant asserts were not applied to her account, because in Ms. Tandy's view "CEI needs to look at the monthly statement to determine the amount of the refund owed." The Complainant also includes an account activity statement for 1439 Sulzer Avenue, Euclid, Ohio, for the periods September 8, 2009, through December 10, 2013, and January 9, 2015, through January 6, 2016. Ms. Tandy disputes the account balance transferred from her prior accounts with CEI to

subsequent new accounts or her current account. The Complainant alleges that CEI has failed to properly apply payments and credits to her CEI accounts over the last 12 years and illegally disconnected her service on multiple occasions. Further, Ms. Tandy argues that while she opted out of the governmental aggregation for the city of Euclid, she continued to be served by FirstEnergy Solutions and, therefore, she requests a credit of \$340.00. In addition, Ms. Tandy states that, from 2006 through 2012, she never incurred a late payment charge but since April 2012, she has been billed late payment charges.

{¶ 6} On July 10, 2017, Ms. Tandy also filed with the Commission a complaint against Dominion in Case No. 17-1568-GA-CSS. In the complaint, Ms. Tandy states that she requested, but has not received, her account payment history for the period May 2006 through October 2016.<sup>1</sup>

{¶ 7} Pursuant to Ohio Adm.Code 4901-9-01(B), Dominion and CEI are required to file an answer with the Commission within 20 days after a complaint is filed. However, in a prior complaint case filed by the Complainant, the Commission ruled that Dominion and CEI would not be required to file an answer responding to the allegations set forth in future complaints filed by Ms. Tandy unless and until directed by the Commission or the attorney examiner. *In re Gwendolyn Tandy v. CEI*, Case No. 15-395-EL-CSS (*Tandy v. CEI* 4), Entry (May 6, 2015) at 7; *In re Gwendolyn Tandy v. Dominion*, Case No. 15-396-GA-CSS (*Tandy v. Dominion* 3), Entry (May 6, 2015) at 6. In those cases, the Commission also directed the Complainant to provide a statement of how the allegations raised in any new complaint are different from previous allegations raised in prior complaints against CEI and Dominion. *Tandy v. CEI* 4 at 7; *Tandy v. Dominion* 3 at 6. The Complainant did not provide such a

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<sup>1</sup> While the date on the pending complaint is not clear, based on Ms. Tandy's complaint in Case No. 17-155-GA-CSS, the Commission believes the end date for the statement of account activity to be on or before October 2016.

statement with either pending complaint and, accordingly, failed to comply with the Commission's directive.

{¶ 8} The Commission finds the pending complaint against Dominion does not state reasonable grounds to sustain a complaint with the Commission. It is clear from Ms. Tandy's filing in this complaint, as well as prior complaints against Dominion, that she has had in her possession and subsequently filed with the Commission copies of bills or account statements that reflect activity on her residential gas accounts. Under the unique circumstances presented, the Commission finds Ms. Tandy's complaint against Dominion does not present reasonable grounds to sustain a complaint and, therefore, it should be dismissed.

{¶ 9} In regard to the pending complaint against CEI, the Commission notes that Ms. Tandy requests a statement for a \$500.00 payment made on October 19, 2016. The Commission notes that the detailed statement of account filed in the docket by Ms. Tandy on February 23, 2018, reflects a \$500.00 payment made on October 19, 2016, and the associated reduction in Complainant's account balance, as well as her account balance for account activity for the period January 25, 2016, through November 7, 2016. The remaining issues raised by the Complainant in the pending CEI complaint regarding alleged missed payments, disputed account balances transferred from prior accounts, and participation in Euclid's governmental aggregation are issues which were addressed by the Commission in the Complainant's prior complaints or issues that should have been raised by the Complainant in prior complaints.

{¶ 10} The Commission notes that this is the seventh complaint against Dominion and the sixth complaint against CEI filed by the Complainant since July 2012: *In re Gwendolyn Tandy v. Dominion*, Case No. 12-2103-GA-CSS, Entry (Mar. 27, 2013), Entry on Rehearing (May 1, 2013); *In re Gwendolyn Tandy v. Dominion*, Case No. 14-795-GA-CSS, Entry (July 30, 2014); *Tandy v. Dominion 3*, Entry (May 6, 2015); *In re Gwendolyn Tandy v. Dominion*,

Case No. 15-1139-GA-CSS, Entry (Aug. 19, 2015); *In re Gwendolyn Tandy v. Dominion*, Case No. 15-1922-GA-CSS, Entry (Apr. 14, 2016); *In re Gwendolyn Tandy v. Dominion*, Case No. 17-155-GA-CSS, Entry (Mar. 29, 2017); *In re Gwendolyn Tandy v. CEI*, Case No. 12-2102-EL-CSS (*Tandy v. CEI 1*), Opinion and Order (Mar. 6, 2013), Entry on Rehearing (May 1, 2013); *In re Gwendolyn Tandy v. CEI*, Case No. 14-686-EL-CSS (*Tandy v. CEI 2*), Entry (July 30, 2014); *In re Gwendolyn Tandy v. CEI and FirstEnergy Solutions Corporation*, Case No. 14-1241-EL-CSS (*Tandy v. CEI 3*), Entry (Dec. 10, 2014); *Tandy v. CEI 4*, Entry (May 6, 2015); *In re Gwendolyn Tandy v. CEI*, Case No. 17-156-EL-CSS (*Tandy v. CEI 5*), Entry (Mar. 29, 2017). All of the aforementioned complaints filed by Ms. Tandy, including the pending complaints, dispute the utility charges billed or due.

{¶ 11} In the pending CEI case, in addition to repeating claims made in prior complaints that have been rejected by the Commission, the Complainant asserts the CEI account balance due is, in some manner, incorrect. After reviewing the allegations raised in the CEI complaint, the Commission finds the pending complaint is yet another attempt to relitigate issues that have previously been extensively and exhaustively reviewed and rejected by the Commission. *Tandy v. CEI 1*, Opinion and Order (Mar. 6, 2013), Entry on Rehearing (May 1, 2013); *Tandy v. CEI 2*, Entry (July 30, 2014); *Tandy v. CEI 3*, Entry (Dec. 10, 2014); *Tandy v. CEI 4*, Entry (May 6, 2015); *Tandy v. CEI 5*, Entry (Mar. 29, 2017).

{¶ 12} The Ohio Supreme Court held that it has long been the law of Ohio that an existing final judgment or decree between the parties to litigation is conclusive as to all claims, which were or might have been litigated in a first lawsuit. *Grava v. Parkman Twp.*, 73 Ohio St.3d 379, 382, 653 N.E.2d 226 (1995) (quoting *Rogers v. Whitehall*, 25 Ohio St.3d 67, 69, 494 N.E.2d 1387, 1388 (1986)). Accordingly, as the Commission has repeatedly expressed in several Entries, Complainant's claims in these matters are barred and will not be further considered by the Commission. To that end, the Commission finds that the pending complaint against CEI should be dismissed.

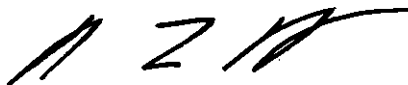
III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the complaints against Dominion and CEI be dismissed. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



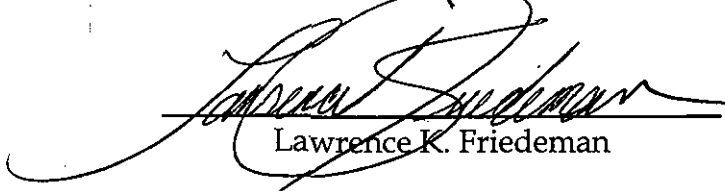
Asim Z. Haque, Chairman



M. Beth Trombold



Thomas W. Johnson



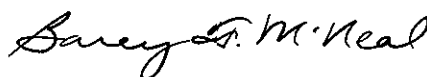
Lawrence K. Friedeman



Daniel R. Conway

GNS/mef

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 APR 25 2018

Barcy F. McNeal  
Secretary