

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JENNY KENDERES,

COMPLAINANT,

v.

CASE No. 18-922-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on July 2, 2018

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company 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) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On May 24, 2018, Jenny Kenderes (Ms. Kenderes or Complainant) filed a complaint against CEI, alleging that her meter was “running loud” in October 2017, and that her bill indicated triple her typical usage in November 2017. She adds that two electricians could not determine what caused the high usage, and emphasizes that her furnace, dryer, hot water tank, and stove are electric. Complainant states that CEI replaced the meter at her request, after which her consumption returned to normal, but when CEI tested the old meter, it was operating within normal limits. She asserts that CEI “refused to reconnect” and that her mother eventually paid \$1,200 toward the balance.

{¶ 4} On June 13, 2018, CEI filed its answer. CEI denies that Complainant called in October 2017 regarding an excessively loud meter. However, CEI admits that Ms. Kenderes' usage during November 2017-March 2018 exceeded usage for those months during the prior year. CEI contends that Ms. Kenderes called March 23, 2018, to discuss her higher electric bill, and that her meter, which was replaced April 5, 2018, indicated 99.76% accuracy during testing. CEI denies that Complainant's usage decreased in the first month after the new meter was installed. CEI asserts that a down payment required by April 9, 2018, was never received, and notes that reconnection was scheduled for May 11, 2018. Finally, CEI denies that Complainant's current bill is almost \$1,700.

{¶ 5} The attorney examiner 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 19, 2018, at 1:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. 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.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E. 2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for July 19, 2018, at 1:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} 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). 18-0922-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 07/19/2018 in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio