

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 September 26, 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 November 2017 bill indicated triple her typical usage. She adds that two electricians could not determine what caused the high usage and emphasizes that her furnace, stove, dryer, and hot water tank are not electric. Complainant states that after CEI replaced the meter, her consumption returned to normal.

{¶ 4} On June 13, 2018, CEI filed its answer. CEI admits that Ms. Kenderes’ usage during November 2017-March 2018 exceeded her usage for those months during the prior

year. CEI contends that Ms. Kenderes called CEI on March 23, 2018, to discuss her higher electric bill, and that her meter, which was replaced April 5, 2018, indicated 99.76 percent accuracy during testing.

{¶ 5} By Entry issued July 2, 2018, a settlement conference was scheduled for July 19, 2018. At Complainant's request, the settlement conference was rescheduled to August 14, 2018. Counsel for CEI was present for the August 14, 2018 conference, but Ms. Kenderes was not present.

{¶ 6} Accordingly, to allow Complainant another opportunity for mediation, 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.

{¶ 7} The settlement conference shall be scheduled for October 18, 2018, at 1:30 p.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. The parties should bring 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.

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for October 18, 2018, at 1:30 p.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission