

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JOHN STEWART,**

COMPLAINANT,

v.

CASE No. 18-1531-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 1, 2018

{¶ 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} Respondent, 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 October 9, 2018, John Stewart (Complainant) filed this complaint against CEI. In the complaint, Complainant alleges that CEI rendered inadequate service by failing to supply power in a reasonable manner. Complainant states that, during a power outage on August 4, 2018, CEI's crew left his neighborhood without finishing repairs to restore electric power and did not return until the following day to complete repairs. Further, Complainant states that he lost \$400 worth of food because CEI's crew left without finishing its repair work.

{¶ 4} CEI filed its answer on October 29, 2018. In its answer, CEI denies that the Company failed to supply power in a reasonable manner. CEI admits that Complainant's residence experienced two momentary and one sustained power outages on August 4, 2018,

but denies all other allegations related to the timing or duration of the power outages. The Company also states that it is without sufficient knowledge to respond to, or form a belief as to the truth of, the remaining allegations in the complaint and therefore denies the same. Further, CEI sets forth in the answer several affirmative defenses.

{¶ 5} At this time, 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 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 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for November 30, 2018, at 1:30 p.m., in the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. 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.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be held on November 30, 2018, at 1:30 p.m., in the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

JRJ/mef

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Case No(s). 18-1531-EL-CSS

Summary: Attorney Examiner Entry setting a settlement conference for 11/30/18 at 1:30pm at the Commission offices electronically filed by Ms. Mary E Fischer on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio