

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DR. THOMAS INWOOD,**

COMPLAINANT,

v.

CASE NO. 18-744-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 28, 2018

I. SUMMARY

{¶ 1} The Commission grants a motion by The Cleveland Electric Illuminating Company to dismiss this case with prejudice for lack of prosecution.

II. DISCUSSION

{¶ 2} 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

{¶ 3} 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.

{¶ 4} On April 23, 2018, Dr. Thomas Inwood (Complainant) filed a complaint against CEI describing his dissatisfaction with the manner in which the Company proposed to carry out its vegetation management work on trees located at the back of Complainant's property.

{¶ 5} On May 14, 2018, CEI filed its answer to the complaint, in which it admitted some allegations, denied other allegations, and denied for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations of the complaint, and set forth several affirmative defenses.

{¶ 6} By Entry dated August 16, 2018, a settlement conference was scheduled in this matter to occur on September 4, 2018. On September 4, 2018, an attorney examiner from the Commission's legal department and a representative of CEI were in attendance for the scheduled conference. However, Complainant failed to appear.

{¶ 7} On September 19, 2018, the attorney examiner issued an Entry which rescheduled the settlement conference in this case for October 11, 2018. The Entry informed Complainant that failure to attend the settlement conference may result in dismissal of the complaint for lack of prosecution. On October 11 2018, an attorney examiner from the Commission's legal department and a representative of CEI were present for the rescheduled settlement conference. However, the Complainant, once more, did not appear.

{¶ 8} On October 31, 2018, CEI filed a motion to dismiss the complaint with prejudice due to Complainant's failure to prosecute.

{¶ 9} Considering Complainant's failure to attend the scheduled settlement conferences in this matter, the Commission finds that CEI's motion to dismiss should be granted. In a formal complaint case such as this one, the complainant has the legal obligation to prosecute the complaint. After receiving notice of the proceedings, Complainant in this matter has, twice, failed to appear at scheduled settlement conferences. This case should, therefore, be dismissed, with prejudice, for lack of prosecution.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That CEI's motion to dismiss be granted. It is, further,

{¶ 12} ORDERED, That Case No. 18-744-EL-CSS be dismissed, with prejudice, for lack of prosecution. It is, further,

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

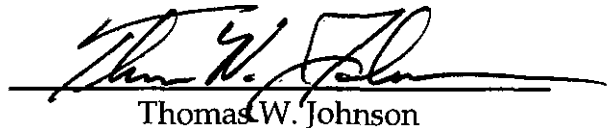
THE PUBLIC UTILITIES COMMISSION OF OHIO



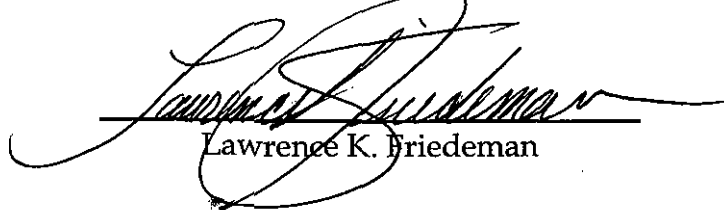
Asim Z. Haque, Chairman



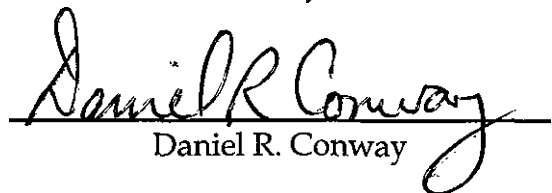
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

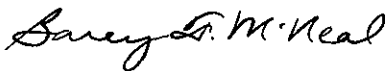


Daniel R. Conway

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Barcy F. McNeal
Secretary