

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RUSSELL ENYART,**

COMPLAINANT,

CASE NO. 18-1734-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on March 1, 2019

{¶ 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} Ohio Edison Company (Ohio Edison or Respondent) is a public utility as defined in R.C. 4905.02. As such, Ohio Edison is subject to the Commission's jurisdiction.

{¶ 3} On November 28, 2018, Russell Enyart (Complainant) filed a complaint against Ohio Edison. Complainant alleges that Ohio Edison failed to adequately provide service to Complainant's commercial property, the result of which was significant property damage. Complainant requests that the Commission make a finding that Ohio Edison provided inadequate, unjust, and unreasonable service that Complainant may take to a court of common pleas to seek compensatory damages pursuant to R.C. 4905.61.

{¶ 4} On December 18, 2018, Ohio Edison filed an answer. Respondent's answer generally denies the allegations contained in the complaint. Respondent also asserts several affirmative defenses.

{¶ 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 of the complaint. As stated in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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 teleconference in this matter is scheduled for April 2, 2019, at 10:00 a.m. At the scheduled time, the attorney examiner conducting the settlement conference will contact Complainant's counsel at (614) 462-5400 and Respondent's counsel at (216) 586-7273. Counsel is instructed to contact the attorney examiner with any corrections to these dial-in numbers prior to the scheduled conference.

{¶ 7} If a settlement is not reached, the attorney examiner may conduct a discussion of procedural issues including discovery deadlines and stipulations of fact. 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. All parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite 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. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a telephonic settlement conference be held on April 2, 2019, at 10:00 a.m., as stated in Paragraph 6. 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/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

JRJ/hac

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Case No(s). 18-1734-EL-CSS

Summary: Attorney Examiner Entry scheduling telephonic settlement conference electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission