

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 April 5, 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} By Entry dated March 1, 2019, the attorney examiner schedule a telephonic settlement conference to explore the parties' willingness to negotiate a resolution of the complaint. The settlement conference did not resolve the parties' dispute.

{¶ 6} The attorney examiner finds that this matter should be set for hearing. Accordingly, an evidentiary hearing will be scheduled for Tuesday, August 20, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. In order to allow sufficient time for review and depositions prior to hearing, testimony should be filed no later than August 6, 2019.

{¶ 7} 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).

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That testimony be filed no later than August 6, 2019. It is, further,

{¶ 10} ORDERED, That an evidentiary hearing be scheduled for August 20, 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 hearing and deadline to file testimony electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission