

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DAVID N. RANDALL,**

COMPLAINANTS,

v.

CASE No. 18-1851-EL-CSS

**THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on May 6, 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} Respondent, 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 December 18, 2018, David N. Randall (Complainant) filed a complaint against CEI. The complaint alleges, among other things, that, in September 2018, Complainant experienced a power surge that damaged his home and destroyed many appliances and other items within it. Complainant alleges that the power surge was caused by antiquated wiring on a poorly maintained, more-than-70-year-old, utility pole in his backyard. Complainant seeks to be compensated for the damages he sustained as a result a result of the power surge.

{¶ 4} On January 7, 2019, CEI filed its answer to the complaint. In its answer, CEI admits some of the complaint's allegations, denies for lack of sufficient information to form a belief as to the truth of others of the complaint's allegations, and sets forth several affirmative defenses.

{¶ 5} By Entry issued January 8, 2019, a settlement conference in this matter was originally scheduled to occur on February 5, 2019. However, the settlement conference was later rescheduled for, and held, at the Commission's offices on February 26, 2019. At the conference, the parties were unable to resolve the dispute giving rise to this complaint case.

{¶ 6} R.C. 4905.26 requires that the Commission set for hearing a complaint against a public utility whenever reasonable grounds appear that any rate charged or demanded is in any respect unjust, unreasonable, or in violation of law, or that any practice affecting or relating to any service furnished is unjust or unreasonable.

{¶ 7} The attorney examiner finds that reasonable grounds for complaint have been stated. Accordingly, this case should be scheduled for hearing on June 18, 2019, at 1:30 p.m. in Hearing Room 11-D of the offices of the Commission, 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 hearing.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 9} In complaint proceedings before the Commission, 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). Therefore, at hearing, it shall be Complainant's responsibility to appear and present evidence in support of the complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing in this case be scheduled for June 18, 2019, at 1:30 p.m., in Hearing Room 11-D of the offices of the Commission, 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

GAP/sc

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5/6/2019 3:29:47 PM

in

Case No(s). 18-1851-EL-CSS

Summary: Attorney Examiner Entry scheduling hearing for 06/18/2019 in accordance with Paragraph 11 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio