

**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 June 5, 2019

**I. SUMMARY**

{¶ 1} The Commission finds that this complaint should be dismissed 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 Respondent), is a public utility as defined in R.C. 4905.02. As such, CEI is subject to the Commission's jurisdiction.

{¶ 4} On October 9, 2018, John Stewart (Complainant) filed a complaint against CEI, alleging that power outages occurred while Respondent was performing maintenance on its equipment. Complainant avers that these outages amounted to a failure to supply power in a reasonable manner.

{¶ 5} CEI filed its answer on October 29, 2018. In its answer, Respondent admits that Complainant's residence experienced three power outages, but denies that it failed to supply power in a reasonable manner. Respondent also asserts several affirmative defenses.

{¶ 6} By Entry dated November 1, 2018, the attorney examiner scheduled a settlement conference in Columbus, Ohio, for November 30, 2018. On November 16, 2018, the attorney examiner converted the in-person settlement conference to a teleconference, as Complainant stated that he was unable to travel to the conference as scheduled.

{¶ 7} A settlement conference was held by telephone on November 30, 2018. However, the parties were unable to resolve all issues raised in the complaint at that time.

{¶ 8} By Entry dated March 29, 2019, the attorney examiner directed Complainant to indicate whether he wished to continue pursuing his complaint by April 19, 2019, and that if no such notification was made, the attorney examiner would recommend that the Commission dismiss the complaint.

{¶ 9} Complainant did not file any response to the attorney examiner's directives, nor did he otherwise attempt to contact the attorney examiner.

{¶ 10} Due to the fact that Complainant has failed to notify the Commission of his desire to pursue his complaint, as directed by the attorney examiner, the Commission finds that the complaint should be dismissed for lack of prosecution.


### III. ORDER

{¶ 11} It is, therefore,


{¶ 12} ORDERED, That the complaint be dismissed for lack of prosecution. It is, further,

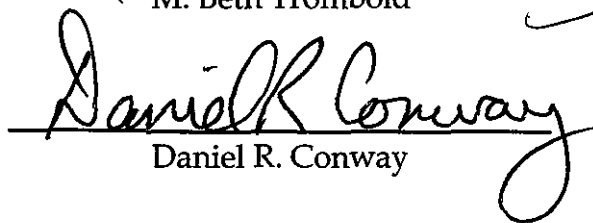
{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Sam Randazzo, Chairman

  
M. Beth Trombold

  
Lawrence K. Friedeman

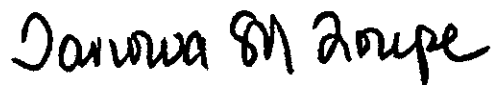
  
Daniel R. Conway

  
Dennis P. Deters

MJA/TMS /mef

Entered in the Journal

JUN - 5 2019



Tanowa M. Troupe  
Secretary