

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
MICHELLE DIFIORI,**

**COMPLAINANT,**

**v.**

**CASE NO. 18-1608-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on July 3, 2019

{¶ 1} By Entry issued June 3, 2019, a hearing in this matter was scheduled to occur at the Commission's offices on July 11, 2019. The Entry indicated that, in order to participate in the hearing, all parties should register at the lobby desk and then proceed to the 11th floor of the Commission's offices.

{¶ 2} On June 21, 2019, Complainant, Michelle Difiori, filed a motion by which she sought to have the hearing "be done by phone due to the fact that she suffers from extreme claustrophobia, and cannot go on an elevator."

{¶ 3} On June 26, 2019, Respondent, The Cleveland Electric Illuminating Company (CEI), filed a response in opposition to Complainant's request that the hearing be conducted by telephone. Among other things, Respondent argues that, in earlier rulings, the Commission has already made clear that Complainant must appear at the hearing in this matter and present evidence in support of her complaint. Pointing out that it must have the opportunity to defend against the complaint by offering its own testimony and evidence, cross-examining the Complainant, and otherwise prosecuting its defense, CEI contends that it would be prejudiced if required to do so telephonically.

{¶ 4} The attorney examiner finds that Complainant's motion requesting that hearing should be conducted by telephone should be denied, inasmuch as it presents many evidentiary and procedural complications that can and should be avoided, if possible. Instead, so as to eliminate any need for Complainant to go on an elevator in order to attend the hearing, the attorney examiner finds it appropriate reschedule the place and time for the hearing, so that it will take place, instead, in a first-floor hearing room.

{¶ 5} Accordingly, the attorney examiner finds that the hearing previously scheduled for July 11, 2019, at the Commission's offices, will be postponed and rescheduled to commence, instead, at 10:00 a.m., on July 15, 2019, in the Lobby Hearing Room, on the first floor of the Rhodes State Office Tower, 30 East Broad Street, Columbus Ohio 43215.

{¶ 6} 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.

{¶ 7} 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.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the hearing in this case previously scheduled for July 11, 2019, be postponed and rescheduled to commence, instead, at 10:00 a.m., on July 15, 2019, in the Lobby Hearing Room, on the first floor of the Rhodes State Office Tower, 30 East Broad Street, Columbus Ohio 43215. It is, further,

{¶ 10} 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

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/3/2019 3:47:20 PM**

**in**

**Case No(s). 18-1608-EL-CSS**

Summary: Attorney Examiner Entry rescheduling hearing to 07/15/2019 at 10:00 a.m. to be held in the Lobby Hearing Room on the 1st floor of the Rhodes State Office Tower, 30 E. Broad St., Columbus, Ohio - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio