

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 July 17, 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. On December 18, 2018, Ohio Edison filed an answer. Respondent's answer generally denies the allegations contained in the complaint and asserts several affirmative defenses.

{¶ 4} A settlement conference conducted on April 2, 2019, did not resolve the parties' dispute. Thus, by Entry dated April 5, 2019, the attorney examiner issued a procedural schedule that established an August 20, 2019 hearing date and directed the parties to file testimony no later than August 6, 2019.

{¶ 5} On June 19, 2019, Respondent filed a partial motion to dismiss requesting that the Commission dismiss any portion of the complaint seeking damages. On June 28, 2019, Complainant filed a memorandum contra Respondent's motion, to which Respondent replied on July 5, 2019. The motion is pending and will be addressed by future entry.

{¶ 6} On July 16, 2019, Complainant filed an unopposed motion for a continuance of the hearing date and request for expedited treatment. Complainant explains that, although discovery is underway, the parties have experienced difficulty coordinating schedules in order to prepare witness testimony and ensure availability of witnesses for deposition. Complainant further states that a continuance will enable the parties to further explore the possibility of a potential settlement. Complainant proposes a new hearing date of November 19, 2019, with pre-filed testimony being due October 29, 2019, and represents that counsel for Respondent consents to the motion.

{¶ 7} The attorney examiner finds that the motion for a continuance is reasonable and should be granted. Furthermore, the proposed dates are acceptable to both parties and the attorney examiner. Accordingly, the evidentiary hearing is continued to November 19, 2019, at 10:00 a.m., and will be conducted 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 October 29, 2019.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Complainant's motion for a continuance be granted. It is, further,

{¶ 10} ORDERED, That the parties observe the new procedural dates set forth in Paragraph 7. 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

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/17/2019 2:13:59 PM

in

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

Summary: Attorney Examiner Entry granting motion for continuance and setting new procedural dates electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission