

**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 November 14, 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 July 17, 2019, the attorney examiner granted an unopposed motion for a continuance of the hearing date and issued a new procedural schedule. Pursuant to that schedule, pre-filed testimony was due October 29, 2019, and the hearing date was rescheduled to November 19, 2019. Both parties submitted pre-filed testimony as directed on October 29, 2019.

{¶ 6} On November 12, 2019, the parties filed a joint motion to continue the procedural schedule and request for expedited treatment. The parties explain that they wish to engage in further discovery, including depositions, following the submission of their pre-filed testimony, but that schedules of counsel and the respective witnesses are proving problematic. The parties further express a desire to further explore the potential for settlement. The parties request that the hearing date be continued indefinitely, subject to a status update deadline of January 31, 2020. The parties represent that, in that status update, counsel will advise the Commission as to whether a hearing is still necessary and, if so, suggest mutually agreeable hearing dates for consideration by the attorney examiner.

{¶ 7} The attorney examiner finds that the motion for a continuance is reasonable and should be granted. Accordingly, the November 19, 2019 hearing date is vacated, and the parties are instructed to file the contemplated status update no later than January 31, 2020.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the parties' joint motion for a continuance be granted and the November 19, 2019 hearing date be vacated as stated in Paragraph 7. It is, further,

{¶ 10} ORDERED, That the parties file a status update no later than January 31, 2020, as stated 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**

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

Summary: Attorney Examiner Entry granting joint motion for a continuance and setting deadline to file status update electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission