

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 February 3, 2020

{¶ 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 generally denying the allegations contained in the complaint and asserting several affirmative defenses.

{¶ 4} A settlement conference conducted on April 2, 2019, did not resolve the parties' dispute. By Entry dated July 17, 2019, the attorney examiner granted an unopposed motion to continue by rescheduling the hearing date to November 19, 2019, and setting a deadline of October 29, 2019, for prefiled testimony. Both parties submitted pre-filed testimony as directed on October 29, 2019.

{¶ 5} On November 12, 2019, the parties filed a joint motion to continue the procedural schedule seeking time to engage in further discovery, including depositions, following the submission of their pre-filed testimony, and to further explore the potential for settlement. The parties requested that the hearing date be continued indefinitely, subject to a status update deadline of January 31, 2020.

{¶ 6} By Entry dated November 14, 2019, the attorney examiner granted the joint motion, vacated the November 19, 2019 hearing date, and instructed the parties to file a status update no later than January 31, 2020.

{¶ 7} On January 31, 2020, counsel for the parties emailed the attorney examiner with a status update. Counsel indicate that the parties are currently discussing the possibility of settlement and request a three-week extension of time, or until February 21, 2020, before a hearing date is set. Counsel represent that, at that time, the parties should be able to propose hearing dates.

{¶ 8} The attorney examiner finds that the request for a three-week extension is reasonable and should be granted. The parties are instructed to file a status update to the record in this case no later than February 21, 2020. If the update contemplates the necessity of hearing in this matter, counsel should propose mutually agreeable dates for the same.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the parties file a status update no later than February 21, 2020, as stated in Paragraph 8. 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

SJP/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/3/2020 1:57:30 PM

in

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

Summary: Attorney Examiner Entry granting extension and ordering parties to file a status update by February 21, 2020 electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission