

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JOHN SHREVE,**

COMPLAINANT,

CASE NO. 20-402-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on March 20, 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. Accordingly, Ohio Edison is subject to the Commission's jurisdiction.

{¶ 3} On February 18, 2020, John Shreve (Complainant) initiated a complaint against Ohio Edison alleging unjust and unreasonable billing practices. In the complaint, Complainant alleges that he is being overcharged for his electricity usage at a property that he rents at 4461 Oberlin Ave. #102, Lorain, Ohio 44053 (the Property). Specifically, he argues that based upon the kilowatt-hours used at the Property, he is being charged "10 times what [he] should be."

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to Ohio Edison on February 19, 2020, directing Ohio Edison to file its answer and any other responsive pleading within 20 days after February 19, 2020.

{¶ 5} Ohio Edison failed to file its answer within the 20 days prescribed by Ohio Adm.Code 4901-9-01(B).

{¶ 6} On March 16, 2020, Ohio Edison filed a motion for leave to file its answer out of time, along with a memorandum in support of the motion. As outlined in its memorandum, Ohio Edison stated that an oversight on its part, as well as recent developments related to the Declaration of a State of Emergency in the State of Ohio due to COVID-19, resulted in its failure to timely file its answer. Ohio Edison further argued that its requested six-day extension to file its answer would not prejudice Complainant, nor prolong the proceeding.

{¶ 7} Simultaneous with the motion, Ohio Edison filed its proposed answer. In the answer, Ohio Edison admits some allegations in the complaint. Ohio Edison also states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations in the complaint. Further, Ohio Edison sets forth in the answer several affirmative defenses.

{¶ 8} By Entry dated March 17, 2020, the attorney examiner, prior to review of Ohio Edison's motion for leave to file its answer out of time, ordered Ohio Edison to file its answer and any other responsive pleadings within 20 days after receipt of that Entry.

{¶ 9} Upon review, the attorney examiner finds Ohio Edison's March 16, 2020 motion to be reasonable and that it should be granted. Further, the attorney examiner accepts Ohio Edison's answer that it filed simultaneously with the motion.

{¶ 10} Additionally, at this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner

from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 11} Accordingly, a settlement conference shall be scheduled for July 7, 2020, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference.

{¶ 12} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 13} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 14} As is the case in all Commission complaint cases, the Complainant has the burden of proving the allegations of the complaint. *Grossman v, Pub Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That Ohio Edison's motion for leave to file its answer out of time be granted, as stated in Paragraph 9, and that the answer filed contemporaneously with the motion be accepted. It is, further,

{¶ 17} ORDERED, That a settlement conference be held on July 7, 2020, in accordance with Paragraph 11. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

MJA/kck

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in

Case No(s). 20-0402-EL-CSS

Summary: Attorney Examiner Entry granting Ohio Edison's Motion for Leave to file its Answer is granted and the Answer attached is accepted; in addition, a settlement conference is scheduled for 7.7.20 at 10:00 a.m. electronically filed by Mrs. Kelli C King on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio