

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 May 21, 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 (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. Currently, a two-day evidentiary hearing is scheduled to commence on June 30, 2020.

{¶ 5} On May 20, 2020, Respondent filed an unopposed motion for leave to amend its answer and a request for expedited treatment; Respondent also filed its first amended

answer. Ohio Edison states that it seeks leave to amend because, as the facts of this case developed, the Respondent discovered that certain information contained in its responses to Complainant's allegations was incorrect. Specifically, Ohio Edison ascertained that it began providing service to the Property under Complainant's accounts on January 29, 2018, which service has continued since that date. Ohio Edison explains that, in its proffered amended answer, Respondent provides the correct information and, therefore, clarifies the record. Ohio Edison further contends that permitting the amendment will not prejudice Complainant but will streamline presentation of issues at hearing. Respondent confirms that, upon learning of the updated information, Ohio Edison immediately explained the situation to Complainant's counsel, who does not oppose the motion. Finally, Respondent's counsel certifies that opposing counsel does not object to the issuance of an expedited ruling without the filing of memoranda.

{¶ 6} Ohio Adm.Code 4901-1-06 provides that an attorney examiner may, upon motion of any party for good cause shown, allow the amendment of any pleading filed with the Commission. Upon review, the attorney examiner notes that the revisions made to Ohio Edison's answer are narrowly limited to allegations related to the date Respondent began providing service to the Property under Complainant's accounts. See Amended Answer at ¶¶ 23, 24, 65, and 66. These revisions clarify Respondent's pleading and, therefore, the issues before the Commission. Accordingly, the attorney examiner finds that Ohio Edison's motion for leave to amend its answer is supported by good cause and should be granted.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Respondent's motion for leave to amend its answer be granted. It is, further,

{¶ 9} ORDERED, That Respondent's Amended Answer be accepted to the record as filed on May 20, 2020. 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/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

SJP/hac

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in

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

Summary: Attorney Examiner Entry granting motion for leave to amend answer and accepting Amended Answer to the record as filed on May 20, 2020 electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission