

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 October 8, 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) 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. Thus, by Entry issued April 5, 2019, the attorney examiner issued a procedural schedule, including a hearing date of August 20, 2019.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order) declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. The Executive Order requires all state agencies to

implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding the public health emergency in order to protect the health and safety of themselves and others. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 6} The original procedural schedule in this case has been modified numerous times, both at the request of the parties and due to the unforeseen circumstances of the current health emergency. Entry (June 24, 2020); Entry (Mar. 10, 2020); Entry (Nov. 14, 2019); Entry (July 17, 2019). Most recently, the hearing in this matter was scheduled for October 27, 2020, with any additional pre-filed testimony being due by October 13, 2020.

{¶ 7} Due to the ongoing COVID-19 state of emergency, and given the passage of Am. Sub. H.B. 197, the attorney examiner finds that the October 27, 2020 hearing in this matter should be rescheduled and, unless the current situation improves significantly, held remotely. By future entry to be issued before the end of 2020, the attorney examiner will set a new date for hearing after conferring with counsel regarding availability. The entry will also establish a new deadline for the filing of any additional pre-filed testimony.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the evidentiary hearing be continued by future entry in accordance with Paragraph 7. 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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Case No(s). 18-1734-EL-CSS

Summary: Attorney Examiner Entry ordering that the evidentiary hearing be continued by future entry in accordance with Paragraph 7 electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission