

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
ROBERT SAKACH,

CASE NO. 20-1825-EL-CSS

COMPLAINANT,

v.

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on January 29, 2021

{¶ 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} The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On December 31, 2020, Robert Sakach (Complainant, or Mr. Sakach) filed a complaint against CEI. Complainant alleges that he has had electrical problems for all of the 58 years he has lived in his present home – and that the “problem has gotten worse in the last 20 years.” Complainant contends that, when power outages occur on the street on which he lives, they only occur on his side of the street. The complaint indicates that, after he after experienced lost power for five days in 2019 and for two-and-one-half days in November 2020 – each incident allegedly occurring on his side of his street only -- Mr. Sakach asked CEI to begin providing him service from the same lines as are serving the homes on the other side of his street. According to the complaint, CEI, in response, told him that “it was too expensive” to do so. Mr. Sakach reiterates that the problem of outages occurring only on his side of the street has been one which he and others on his side of the

street have had to live with for 58 years. Complainant claims that, over this time, whenever he complains about it to CEI, he gets the same response: CEI says the outage is weather-related, then checks, and claims to find no problem with the lines. Mr. Sakach contends, finally, that because they don't care, CEI has never found the problem, and never will.

{¶ 4} On January 19, 2021, CEI filed its answer to the complaint, in which it admits some, and denies others of the complaint's allegations and sets forth several affirmative defenses. Specifically, among other things, CEI admits that Complainant's service address and the address across the street from Complainant have experienced sustained and momentary outages in the past, some at the same time and some at different times. Further, CEI avers that both Complainant's service address and the service address across the street from Complainant are served from the same circuit.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement teleconference.

{¶ 6} Accordingly, a telephone settlement conference call shall be scheduled for February 18, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 170 656 414#.

{¶ 7} 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 teleconference, and all parties participating the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 8} As is the case in all Commission complaint proceedings, 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement teleconference be scheduled for February 18, 2021, at 10:00 a.m., as indicated in Paragraph 6. 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

MJA/kck

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 20-1825-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference for 2.18.21 at 10:00 a.m. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio