

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
ROGER LESH,**

**COMPLAINANT,**

**v.**

**CASE NO. 18-1519-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on April 6, 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} Respondent, The Cleveland Electric Illuminating Company (CEI), is a public utility as defined in R.C. 4905.02. Accordingly, CEI is subject to the Commission's jurisdiction.

{¶ 3} On October 5, 2018, Roger Lesh (Complainant) filed a complaint against CEI, alleging that CEI failed to replace a faulty transformer at 7712 Hillside Road, Independence, Ohio 44131 (Service Address), which caused a pole fire and subsequent power outage on August 22, 2018. Complainant requests financial compensation for his damaged belongings as a result of the power outage.

{¶ 4} CEI filed its answer on October 25, 2018. In its answer, CEI admits some allegations in the complaint. However, CEI denies that: the transformer supplying electric power to the Service Address prior to August 22, 2018, was "faulty;" that the transformer in question caused the pole fire or power failure; and, that Complainant lost several items in

his household due to a power failure at the Service Address on August 22, 2018. Additionally, CEI raises several affirmative defenses.

{¶ 5} Complainant filed letters on December 7, 2018, and December 24, 2018, indicating that he cannot travel far from his residence such that his hearing should be scheduled locally.

{¶ 6} A settlement conference was held by telephone on December 19, 2018. The parties were unable to resolve the matter at that time.

{¶ 7} On January 16, 2019, CEI filed a motion to dismiss this case for failure to state a claim upon which relief can be granted. The attorney examiner denied the motion to dismiss pursuant to an Entry dated December 10, 2019.

{¶ 8} 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.

{¶ 9} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 10} As a result of the Executive Order and the Director’s March 12, 2020 Order, beginning March 13, 2020, the Commission reduced on-site staffing and most employees began working from home to reduce exposure to COVID-19. To date, all in-person

evidentiary hearings have been rescheduled as the Commission determines the safest and most efficient manner in which to continue to conduct business on behalf of the citizens of Ohio.

{¶ 11} On December 3, 2020, and March 3, 2021, the attorney examiner scheduled this matter for prehearing conferences on January 19, 2021, and March 31, 2021, respectively. During the prehearing conferences, the parties discussed the plan for conducting the evidentiary hearing in this case by telephone due to Complainant's travel and technology limitations, and the procedures for testifying and presenting evidence at the telephonic evidentiary hearing.

{¶ 12} The attorney examiner finds that the evidentiary hearing in this matter shall occur via telephone on July 12, 2021, at 2:00 p.m. To participate in the hearing, the parties are instructed to call 1-614-721-2972, and, when instructed, enter Conference ID 403 552 466#.

{¶ 13} As discussed at the prehearing conferences, the parties are expected to exchange proposed exhibits that are not already filed in the case docket before the start of the hearing. Further, any additional pre-filed testimony shall be filed and exchanged via regular mail delivery no later than July 2, 2021.

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

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the evidentiary hearing in this matter shall occur via telephone on July 12, 2021, as provided in Paragraph 12. It is, further,

{¶ 17} ORDERED, That proposed exhibits and any necessary pre-filed testimony be exchanged and filed as provided in Paragraph 13. 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/Michael L. Williams

By: Michael L. Williams  
Attorney Examiner

GAP/hac

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 18-1519-EL-CSS**

Summary: Attorney Examiner Entry ordering that the evidentiary hearing in this matter shall occur via telephone on July 12, 2021, as provided in Paragraph 12 and ordering that proposed exhibits and any necessary pre-filed testimony be exchanged and filed as provided in Paragraph 13 electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio