

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JEFF EDELSTEIN,**

COMPLAINANT,

CASE NO. 21-232-WW-CSS

v.

AQUA OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on May 21, 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} Aqua Ohio, Inc. (Aqua) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On March 10, 2021, Jeff Edelstein (Complainant) filed a complaint against Aqua. The complaint alleges, among other things, that Aqua charged two of his accounts unreasonably at different points in 2020. Specifically, Complainant disputes sewer charges found on his bills for both of his accounts, occurring in March and May for one account, and in June, July, and August of 2020 for the other.

{¶ 4} On March 30, 2021, Aqua filed its answer to the complaint. In its answer, Aqua admits that Jeff Edelstein is a customer receiving water and sewer usage at the premises named in the complaint. In its answer, Aqua admits some and denies others of the complaint's allegations and sets forth several affirmative defenses. Among other things, Aqua specifically avers that, in an attempt to resolve this dispute, on January 6, 2021, and again on January 13, 2021, its customer service representatives spoke with Mr. Edelstein to

discuss the bills and charges. Additionally, Aqua avers that it has reviewed for accuracy Complainants' account and has not identified any billing errors.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference to be conducted by telephone. 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 June 10, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and, when prompted, enter conference code 358 334 320#.

{¶ 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 in 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 June 10, 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/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

MJA/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/21/2021 3:03:56 PM

in

Case No(s). 21-0232-WS-CSS

Summary: Attorney Examiner Entry setting a settlement teleconference for June 10, 2021 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio