

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DAN AND MARY PATEK,**

COMPLAINANTS,

CASE NO. 21-549-EL-CSS

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on May 27, 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 (Respondent) is a public utility as defined in R.C. 4905.02. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On May 6, 2021, Dan and Mary Patek (Complainants) initiated a complaint regarding charges on their electric bill. Complainants allege that, since the installation of a smart meter in November 2020, they have received inaccurate readings for usage in their barn.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to Respondent on May 6, 2021, directing Respondent to file its answer and any other responsive pleading within 20 days after May 6, 2021.

{¶ 5} On May 26, 2021, Respondent filed its answer to the complaint. In its answer, Respondent admits some allegations in the complaint, denies some allegations in the

complaint, asserts several affirmative defenses, and reserves the right to amend its answer to assert additional affirmative defenses as becomes necessary.

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

{¶ 7} Accordingly, a settlement conference shall be scheduled for June 24, 2021, at 10:00 a.m. The settlement conference shall be held telephonically. To participate in the settlement conference, the parties shall call 614-721-2972 and enter 198-840-872 #, when prompted.

{¶ 8} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 9} 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 conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 10} As is the case in all Commission complaint cases, 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be held on June 24, 2021, in accordance with Paragraph 7. It is, further,

{¶ 13} 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

SJP/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/27/2021 10:04:28 AM

in

Case No(s). 21-0549-EL-CSS

Summary: Attorney Examiner Entry setting a settlement teleconference for June 24, 2021 at 10:00 a.m. electronically filed by Ms. Mary E Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio