

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 June 22, 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, or Respondent) is a public utility company 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) filed a complaint against CEI alleging that Respondent has not adequately addressed electric service outages when they have occurred, many times, over many years, allegedly only on his side of the street on which he lives.

{¶ 4} On January 20, 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.

{¶ 5} A settlement teleconference was scheduled for, and held, on March 3, 2021. At that time, no settlement was reached between the parties.

{¶ 6} On June 16, 2021, CEI filed a motion to dismiss this case with prejudice, on grounds that it has been settled. In its motion, CEI asserts that all issues and claims raised in the complaint have been resolved and that no further proceedings are necessary.

{¶ 7} Under Ohio Adm.Code 4901-9-01(F), a filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement or be accompanied by another document that states that, pursuant to Commission rule, the complainant has twenty days within which to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint. CEI's June 16, 2021 motion to dismiss fails to comply with this aspect of Ohio Adm.Code 4901-9-01(F).

{¶ 8} Complainant shall have 20 days from the date of this Entry to file a written response to CEI's motion to dismiss, indicating whether Complainant agrees or disagrees with CEI's assertion that the case is settled and whether Complainant wishes to pursue his complaint. If no response is filed within 20 days of the date of this Entry, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Complainant shall, within 20 days of the date of this Entry, file a written response as outlined in Paragraph 8. Otherwise, the Commission may dismiss the complaint in this case. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

GAP/kck

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Attorney Examiner Entry ordering that Complainant shall, within 20 days of the date of this Entry, file a written response as outlined in Paragraph 8. Otherwise, the Commission may dismiss the complaint in this case. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio