

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
JOHN BARRETT,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-244-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 24, 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. Accordingly, CEI is subject to the Commission's jurisdiction.

{¶ 3} On March 15, 2021, John Barrett (Complainant) initiated a complaint against CEI alleging that CEI improperly billed him for utility service for his previous residence when he no longer lived there. Complainant states that he owned a property serviced by CEI, at 4758 Birchwood Road, from 1995 until 1999. He states that when he moved out, he called and had the utilities disconnected. Complainant explains that in November 2020, he initiated CEI electric service at his new residence, and then received his first electric bill at the new residence with an additional charge of \$276. He was told by CEI that the \$276 bill was for electric service on his previous residence on Birchwood Road for the time period from November 2014 through October 2015. Complainant asks for those charges to be removed from his account and for CEI to confirm that he was not late on payments, which he fears may affect his ability to get his security deposit back.



{¶ 4} On April 5, 2021, CEI filed an answer to the complaint. CEI admits that Complainant was previously a customer at the address 4758 Birchwood Road in Garfield Heights, Ohio. CEI denies that Complainant disconnected utilities in 1999. CEI states that Complainant verbally entered into a landlord/reversion agreement with CEI in May 2003. CEI also states that Complainant did not notify CEI that he had moved or transferred the property, and service reverted to his name between November 2014 and October 2015 by operation of the landlord/reversion agreement. CEI states that charges for electric service during this time remain unpaid. CEI also admits that Complainant started service at 4742 Belle Meadow Road in Mentor, Ohio, in November 2020, and at that time Complainant was billed for the unpaid balance. CEI generally denies the remaining allegations. CEI also asserts several affirmative defenses.

{¶ 5} By Entry dated April 9, 2021, the attorney examiner scheduled a settlement conference in this matter for May 11, 2021.

{¶ 6} On May 10, 2021, the Complainant contacted the attorney examiner to request that the settlement conference be rescheduled to a later date. The attorney examiner coordinated with the parties to find a mutually agreeable date to reschedule the settlement conference. By Entry dated May 10, 2021, the attorney examiner rescheduled the settlement conference in this matter for June 23, 2021.

{¶ 7} Complainant did not contact the attorney examiner in advance to indicate he was unable to participate in the settlement conference as scheduled or to request a new date. The settlement conference was convened, as scheduled, on June 23, 2021. At the designated time of the settlement conference, Complainant did not call in to participate in the conference and did not answer the phone when contacted by the attorney examiner.

{¶ 8} The attorney examiner finds that this telephonic settlement conference should be rescheduled to July 26, 2021, at 2:00 p.m. ET. At the designated time of the conference, the parties shall dial 614-721-2972 and enter access code 505 551 4# to join the mediation.



{¶ 9} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including potential hearing dates.

{¶ 10} 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. 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, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 11} 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). Additionally, failure to participate in the scheduled settlement conference may result in the attorney examiner recommending to the Commission that the complaint be dismissed for failure to prosecute. *In re the Complaint of Gwendolyn Tandy v. The Cleveland Elec. Illum. Co., et al.*, Case No. 14-1241-EL-CSS, Entry (Dec. 10, 2014) at ¶ 16; *In re the Complaint of Dr. Thomas Inwood v. The Cleveland Elec. Illum. Co.*, Case No. 18-744-EL-CSS, Entry (Nov. 28, 2018) at ¶ 9.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the settlement conference previously scheduled for June 23, 2021, be rescheduled for July 26, 2021, as provided in Paragraph 8. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John  
Attorney Examiner

SJP/mef



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

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**Case No(s). 21-0244-EL-CSS**

Summary: Attorney Examiner Entry rescheduling the settlement conference for July 26, 2021 at 2:00 p.m. electronically filed by Ms. Mary E Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio