

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Complaint of  
Yolanda G. Stewart vs Ohio Edison  
Company for Alleged Unfair Business  
Practices.**

**Case No. 21-0800-EL-CSS**

**In the Matter of the Complaint of  
Yolanda G. Stewart vs Ohio Edison  
Company for Alleged Unjust Billing  
Practices.**

**Case No. 21-0734-EL-CSS**

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**MOTION TO CONSOLIDATE AND ANSWER OF OHIO EDISON COMPANY**

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Pursuant to Rule 4901-1-02(A)(6) of the Ohio Administrative Code (“O.A.C.”), Ohio Edison Company (“Ohio Edison” or the “Company”) respectfully moves the Public Utilities Commission of Ohio (the “Commission”) to consolidate Complainant’s two active matters, case no. 21-0734-EL-CSS and case no. 21-0800-EL-CSS, in which the Complaints were filed on June 21, 2021 and July 15, 2021, respectively. Although the document filed by Complainant on July 15<sup>th</sup> in 21-0800-EL-CSS was filed as a Complaint and contains a formal complaint form cover page, Complainant clearly intended the filing to be a response to the Answer of Ohio Edison Company in 21-0734-EL-CSS. To the extent that Complainant’s filing in 21-0800-EL-CSS is construed as an amended complaint to the Complaint filed in 21-0734-EL-CSS, Ohio Edison incorporates its Answer from case no. 21-0734-EL-CSS by reference and denies the remaining allegations, if any. Additional reasons in support of this Motion are set forth in the Memorandum in Support, which is attached here and incorporated by reference.

Respectfully submitted,

/s/Kristen M. Fling

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*Attorney for Ohio Edison Company*

## **MEMORANDUM IN SUPPORT**

### **I. Factual & Procedural Background**

Complainant filed a formal complaint with the Commission on June 21, 2021, alleging unjust billing practices by Ohio Edison. This matter was docketed with the Commission as case no. 21-0734-EL-CSS. The allegations made in the Complaint related to Complainant's billing statements, meter reads, and charges for electric usage and services between February 2021 and May 2021. On July 9, 2021, in response to the Complaint, the Answer of Ohio Edison Company was timely filed with the Commission and served upon Complainant by U.S. mail. The Answer consisted of various admissions, denials, and assertions of affirmative defenses.

On July 15, 2021, Complainant made another filing against Ohio Edison with the Commission in the form of a complaint alleging unfair business and billing practices. This matter was separately docketed as case no. 21-0800-EL-CSS. Although Complainant's filed document contains a formal complaint form cover page, the typed document that follows the cover page is captioned as "Response of Yolanda Stewart." The rest of the document consists of responses to the various answers and statements Ohio Edison provided in the 21-0734-EL-CSS Answer of Ohio Edison Company, along with some additional attachments in support. The 21-0800-EL-CSS "complaint" involves the same alleged unfair practices by Ohio Edison during the same time period, and the same questions of fact and law as the Complaint filed by Complainant in 21-0734-EL-CSS.

### **II. Law & Argument**

The Commission should consolidate and merge the two open matters filed by Complainant. Pursuant to section 4903.22 of the Ohio Revised Code, the processes and practices in this type of action follow the same rules as those in Ohio civil actions. Ohio Civ. R. 42 states that when more than one action involves a common question of law or fact, the court may consolidate the actions.

Some factors considered by the court in making this decision include convenience, avoiding prejudice, case management, burden on parties, and expediting or economizing circumstances. (*Id.*).

Here, all of the factors weigh in favor of consolidation. Not only are the parties the same in both cases, but all of the claims and assertions, along with the time frame of the events at issue, are identical. A failure to consolidate would risk inconsistent proceedings on common legal issues and would burden the parties and witnesses with unnecessary and largely duplicative discovery, along with the time and expenses involved in preparing for and participating in any resulting proceedings. The consolidation and merger of the two cases involved here will facilitate convenience for all parties and witnesses, minimize the costs involved, and eliminate any potential confusion and possible inconsistencies the two separate cases may cause. Pursuant to Ohio Civ. R. 42, the two cases should be consolidated.

### **III. Conclusion**

For the foregoing reasons, Ohio Edison Company respectfully requests that the Commission consolidate the two pending matters filed by Complainant Yolanda G. Stewart, case numbers 21-0734-EL-CSS and 21-0800-EL-CSS.

Respectfully submitted,

/s/Kristen M. Fling  
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*Attorney for Ohio Edison Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing Motion to Consolidate and Answer of Ohio Edison Company was filed with the Public Utilities Commission of Ohio's Docketing Information System. The PUCO's e-filing system will electronically serve notice of the filing of this document. A service copy was also served upon the following by U.S. Mail on this 30th day of July 2021:

Yolanda G. Stewart  
251 Eaton Ridge Dr., Apt. 101  
Northfield, Ohio 44067

/s/Kristen M. Fling  
Kristen M. Fling

*Attorney for Ohio Edison Company*

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

**Commission of Ohio Docketing Information System on**

**7/30/2021 9:30:19 AM**

**in**

**Case No(s). 21-0734-EL-CSS, 21-0800-EL-CSS**

Summary: Motion Motion to Consolidate and Answer of Ohio Edison Company electronically filed by Ms. Kristen M Fling on behalf of Ohio Edison Company