

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 August 25, 2021

I. SUMMARY

{¶ 1} The Commission grants Respondent's motion to dismiss this case, on grounds that the parties have reached a settlement resolving all issues raised.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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.

{¶ 5} On January 20, 2021, CEI filed its answer to the complaint, in which it admits some, and denies others of the complaints allegations and sets forth several affirmative defenses.

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

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

{¶ 8} 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 failed to comply with this aspect of Ohio Adm.Code 4901-9-01(F).

{¶ 9} Despite CEI's failure to include the critical notification cited above, in order to avoid unnecessary delay in the event the issues had, indeed, been settled, the attorney examiner issued an Entry on June 22, 2021, directing Complainant to file, by July 12, 2021, 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. The Entry explained that if no such written response was timely filed, the Commission would presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 10} Complainant has filed no response to either CEI's June 16, 2021 motion to dismiss or to the directives of the June 22, 2021 attorney examiner's Entry.

{¶ 11} Accordingly, the Commission finds that Respondent's motion should be granted, and this case should be dismissed, with prejudice. Finally, the Commission reminds CEL, as well as other utilities subject to our jurisdiction, that all motions filed pursuant to Ohio Adm.Code 4901-9-01(F) that lack the necessary language providing a complainant an opportunity to respond to the motion risk being denied as deficient.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Respondent's motion be granted, and that Case No. 20-1825-EL-CSS be dismissed, with prejudice, and closed of record. It is further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DEF/kck

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

Summary: Entry granting Respondent's motion to dismiss this case, on grounds that the parties have reached a settlement resolving all issues raised electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio