

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
BAYYINAH A. BROOKS,

CASE NO. 21-824-EL-CSS

COMPLAINANT,

v.

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,

RESPONDENT.

## ENTRY

Entered in the Journal on September 21, 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} Respondent, The Cleveland Electric Illuminating Company (CEI, or the Company) is an electric light company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. As such, CEI is subject to the jurisdiction of this Commission.

{¶ 3} On July 27, 2021, Bayyinah A. Brooks (Ms. Brooks, or Complainant) filed a complaint against CEI alleging that she has been inaccurately billed for electric service at an apartment that she moved out of on May 31, 2021. Further explaining, Complainant alleges that, on June 10, 2021, she received both a final bill in an amount of over \$1,300, which she disputes, and also, a letter stating that the bill was based on estimates of the amounts, which she also disputes, of her electric usage over a seven-month period. According to Ms. Brooks, CEI's alleged explanation for its use of estimated bills – namely, the Company's alleged inability to contact Ms. Brooks during the seven-month period – is without merit. Ms. Brooks believes that review of her prior electric bills and past kWh usage, will show that she may be entitled to a reduction in the amount of her final bill. In any event, in bringing her

complaint, Ms. Brooks, in order to protect her credit status, is seeking additional time within which to pay her final bill, beyond an August 30, 2021 time extension which she has already obtained from CEI.

{¶ 4} On August 16, 2021, CEI filed its answer in which it admits some, and denies others of the complaint's allegations and sets forth several affirmative defenses. Among other things, CEI admits: (1) that Complainant discontinued electrical services to the involved apartment effective May 28, 2021; (2) that Complainant received a final bill dated June 10, 2021 in an amount of \$1,348.03 which, the Company says in its answer, includes an unpaid holdover balance from Complainant's previous bills; (3) that the final bill was initially based on an estimated read that was later confirmed by an actual read; (4) that Ms. Brooks has made no payments on her final account; and (5) that CEI has placed a hold on Complainant's account.

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

{¶ 6} Accordingly, a telephone settlement conference call shall be scheduled for October 18, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 276 487 177#.

{¶ 7} 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 teleconference, and all parties participating the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement teleconference be scheduled for October 18, 2021, at 10:00 a.m., as indicated in Paragraph 6. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties 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**

**Commission of Ohio Docketing Information System on**

**9/21/2021 12:50:28 PM**

**in**

**Case No(s). 21-0824-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement teleconference for October 18, 2021, at 10:00 a.m., as indicated in Paragraph 6. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio