

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
HEATHER TYSON,**

**CASE NO. 21-818-EL-CSS**

**COMPLAINANT,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on September 30, 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), 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 23, 2021, Heather Tyson (Ms. Tyson or Complainant) filed a complaint against CEI in which she states her belief that imposing smart meter opt out fees on those with ongoing health problems, whose health would be further compromised by installation of a smart meter, is discriminatory. She requests that, under such circumstances, such fees be waived. Additionally, in her complaint, Ms. Tyson identifies herself as a person who experiences ongoing health problems which are exacerbated when she comes into close proximity to electromagnetic field sources. She alleges that, as such, she is being discriminated against by the assessment of fees for opting out of smart meter service at her home. Ms. Tyson also requests that, due to its close proximity to her bedroom, a smart meter

not be installed, and that no smart meter opt out service fees be applied, at her neighbor's house, at an address she identifies in the complaint.

{¶ 4} On August 11, 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, in its answer, CEI admits: (1) that Complainant opted out of being served by a smart meter at her residence; and (2) that CEI charges a service fee for manual reads of electric meters. On the other hand, CEI claims that it lacks knowledge or information sufficient to respond to, among other things, the complaint's allegations related to the purported risks of electromagnetic fields emanating from smart meters and, therefore, denies the same.

{¶ 5} On September 23, 2021, CEI filed a motion to dismiss the complaint. The attorney examiner, nonetheless, finds it appropriate to hold CEI's motion to dismiss in abeyance until the parties have been afforded an opportunity to resolve the complaint informally with the assistance of an attorney examiner from the Commission's Legal Department.

{¶ 6} In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, 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 of this complaint 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.

{¶ 7} Accordingly, a telephone settlement conference shall be scheduled for October 25, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-

2972 and conference code 510 190 325#.

{¶ 8} 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 in the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement teleconference be scheduled for October 25, 2021, at 10:00 a.m., as indicated in Paragraph 7. It is, further,

{¶ 12} 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

SJP/kck

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

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**Case No(s). 21-0818-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement teleconference for October 25, 2021, at 10:00 a.m., as indicated in Paragraph 7. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio