

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

COMPLAINANT,

CASE NO. 20-402-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on October 14, 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} Ohio Edison Company (Ohio Edison or Respondent) is a public utility as defined in R.C. 4905.02. Accordingly, Ohio Edison is subject to the Commission's jurisdiction.

{¶ 3} On February 18, 2020, John Shreve (Complainant) initiated a complaint against Ohio Edison alleging unjust and unreasonable billing practices. In the complaint, Complainant alleges that he is being overcharged for his electricity usage at a property that he rents at 4461 Oberlin Ave. #102, Lorain, Ohio 44053 (the Property). Specifically, he argues that based upon the kilowatt-hours used at the Property, he is being charged "10 times what [he] should be."

{¶ 4} On March 16, 2020, Ohio Edison filed its answer. In the answer, Ohio Edison admits some allegations in the complaint. Ohio Edison also states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations in the complaint. Further, Ohio Edison sets forth in the answer several affirmative defenses.

{¶ 5} A settlement conference was held on July 7, 2020; however, the parties were unable to settle the matter.

{¶ 6} By Entry issued August 27, 2021, the attorney examiner scheduled an evidentiary hearing to convene on October 19, 2021, at 10:00 a.m., at the offices of the Commission.

{¶ 7} Given the continuing COVID-19 pandemic, the attorney examiner issued an Entry on September 16, 2021, which directed that the scheduled hearing be held via virtual hearing technology rather than at the offices of the Commission.

{¶ 8} On October 13, 2021, counsel for Ohio Edison filed a notice of appearance and substitution of counsel, explaining that previously appearing counsel is no longer employed by Respondent.

{¶ 9} Ohio Edison also filed on October 13, 2021, a motion for continuance and a request for expedited treatment of the motion. As outlined in the motion and supporting memorandum, in the fall of 2020, counsel for Ohio Edison, Robert Endris, resigned from his position with the company. With new counsel filing an appearance on the same date as the motion, Ohio Edison requests a continuance of the October 19, 2021 hearing date in order to allow the new counsel to prepare for hearing. Ohio Edison cites Ohio Adm.Code 4901-1-13(A), which provides, in part, that continuances of hearings may be granted upon motion of any party for good cause shown. Ohio Edison asserts that the Commission has previously found that a party's engagement of new legal counsel is "good cause shown" within the meaning of Ohio Adm.Code 4901-1-13(A). Without a continuance of the hearing, Ohio Edison believes that it will be prejudiced as its new counsel will not have sufficient time to prepare and submit expert testimony, if needed. With respect to the request for an expedited ruling, counsel for Ohio Edison represents that she attempted to contact Complainant by telephone prior to filing the motion but was unable to reach him.

{¶ 10} After review of Ohio Edison's motion, and after receiving verbal confirmation from Complainant that he does not oppose rescheduling the hearing, the attorney examiner finds that Ohio Edison's motion to continue the scheduled hearing is reasonable and should be granted. A rescheduled hearing date will be established by future entry.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Ohio Edison's motion to continue the scheduled hearing be granted and that the hearing scheduled for October 19, 2021, be rescheduled to a date to be established by future entry, as stated in Paragraph 10. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

SJP/kck

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in

Case No(s). 20-0402-EL-CSS

Summary: Attorney Examiner Entry ordering that Ohio Edison's motion to continue the scheduled hearing be granted and that the hearing scheduled for October 19, 2021, be rescheduled to a date to be established by future entry, as stated in Paragraph 10. electronically filed by Kelli C. King on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio