

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 18, 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. Ohio Edison also simultaneously filed a motion for continuance and a request for expedited treatment of the motion. As outlined in the motion and supporting memorandum, Ohio Edison requested a continuance of the October 19, 2021 hearing date in order to allow the new counsel to prepare for hearing.

{¶ 9} By Entry issued October 14, 2021, the attorney examiner granted Ohio Edison's motion for continuance and directed that the hearing be rescheduled to a date to be established by future entry.

{¶ 10} At this time, the attorney examiner finds that the hearing shall be rescheduled for December 6, 2021, at 10:00 a.m., Eastern time, and shall be conducted via virtual hearing technology. Instructions for participation in the evidentiary hearing will be emailed to the parties. Additionally, all exhibits intended to be used on direct and cross-examination shall be marked and exchanged by the parties and provided to the attorney examiner via electronic means prior to the hearing. Individuals interested in attending the evidentiary hearing as a non-party can access the hearing using the link <https://bit.ly/20-402-EVH2> and entering the password PUCO, or by calling 1-408-418-9388 and entering the access code 2336 833 3075.

{¶ 11} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 12} As is the case in all Commission complaint cases, 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).

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the evidentiary hearing be rescheduled for December 6, 2021, and that it be held via virtual hearing technology, as outlined in Paragraph 10. It is, further,

{¶ 15} 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

JRJ/kck

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in

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

Summary: Attorney Examiner Entry ordering that the evidentiary hearing be rescheduled for December 6, 2021, and that it be held via virtual hearing technology, as outlined in Paragraph 10. electronically filed by Kelli C. King on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio