

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DANIEL ODOEMENE,

COMPLAINANT,

v.

CASE NO. 21-958-EL-CSS

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 15, 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} The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On September 17, 2021, Daniel Odoemene (Complainant) filed a complaint against CEI, alleging an error on his August 6, 2021 bill for \$220.25. Complainant states that, according to CEI, his bill has been estimated since March 2020 because of the COVID-19 pandemic. Complainant contends that CEI billed him for unpaid actual consumption from March 2020 to August 2021, which CEI calculated by subtracting the July 2021 final estimated reading from the August 2021 actual reading. Complainant asserts that his August 2021 bill was calculated by CEI “without acknowledging the rate of inflation over the last 18 months.” Complainant questions why CEI billed him at rate of \$0.0624 per kWh, not \$0.0473 per kWh, which was “the lowest rate between March 2020 and August 2021.”

{¶ 4} CEI filed its answer on October 7, 2021. CEI admits that it billed Complainant \$220.45 on August 5, 2021, but denies that his bill should have been calculated at \$0.0473

kWh. CEI asserts that it calculated the August 2021 bill based on the tariff in effect at that time. CEI admits that Complainant's bill between March 2020 and August 2021 was estimated because of the pandemic, and that it charged Complainant for actual consumption when it could obtain an actual meter read in August 2021. CEI further states that it subtracted the July 2021 estimated reading from the August 2021 actual reading to determine unaccounted consumption in prior months. Finally, CEI denies that the rate of inflation is a factor in its calculation of customer bills.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference by telephone. 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 continuing settlement negotiations prior to the settlement teleconference being scheduled in this Entry.

{¶ 6} Accordingly, a telephone settlement conference shall be scheduled for November 24, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 945 310 422#.

{¶ 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 in 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 November 24, 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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

Case No(s). 21-0958-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement teleconference be scheduled for November 24, 2021, at 10:00 a.m., as indicated in Paragraph 6 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission