

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
JUDY DeFRENCH,**

**CASE NO. 21-950-EL-CSS**

**COMPLAINANT,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on January 7, 2022

{¶ 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 September 15, 2021, Judy DeFrench (Ms. DeFrench or Complainant) filed a complaint against CEI which, broadly summarized, alleges, among other things, that she has a medical condition which, according to Complainant, warrants that the Company should provide its smart meter opt-out electric service to Complainant, even while either voluntarily waiving, or being required to waive, for Ms. DeFrench, due to her medical condition, its otherwise applicable tariffed monthly service charges associated with such service.

{¶ 4} On October 4, 2021, CEI filed its answer in which it admits some, and denies others of the complaint's allegations and sets forth several affirmative defenses.

{¶ 5} By Entry issued on November 4, 2021, a prehearing settlement teleconference was scheduled for November 19, 2021. The prehearing settlement was held, as scheduled. However, at that time, the parties were unable to resolve the dispute giving rise to this complaint case.

{¶ 6} On December 22, 2021, Respondent filed a motion to dismiss the complaint.

{¶ 7} The attorney examiner, on his own motion, finds that, pursuant Ohio Adm.Code 4901-1-13, Complainant should be granted an extension of time, until February 4, 2022, to file a memorandum contra Respondent's December 22, 2021 motion to dismiss. Correspondingly, Respondent shall have until February 11, 2022, to file its reply memorandum, if any, in response to any such memorandum contra as may be duly filed by Complainant.

{¶ 8} As a final matter, the attorney examiner notes that, within her complaint, Ms. DeFrench purported to designate Susan Kretchmer (Ms. Kretchmer) to speak and act on Ms. DeFrench's behalf at such prehearing conferences and hearings as may come to be scheduled in this case. Within the November 4, 2021 Entry, the attorney examiner found that, based on Ms. DeFrench's own representations, Ms. Kretchmer qualified under Ohio Adm.Code 4901-1-08(D) to represent Complainant's interests at any settlement conference or subsequent settlement negotiations as may occur in this case. However, no showing has been made that Ms. Kretchmer qualifies to represent Complainant's interests in any other capacity beyond settlement negotiations. Ohio Adm.Code 4901-1-08(A) plainly provides that each party not appearing in propria persona shall be represented by an attorney-at-law authorized to practice before the courts of state. The attorney examiner takes this opportunity to advise both Ms. DeFrench and Ms. Kretchmer that, pursuant to this rule, Ms. DeFrench, as a party appearing before this Commission, must appear on her own behalf or be represented by an attorney licensed to practice law in the state of Ohio to continue to participate in this proceeding. See *In re the Complaint of Anthony Peagler v. The Dayton Power and Light Company*, Case No. 19-1614-EL-CSS, Entry (Dec. 15, 2021). In the event Ms.

DeFrench elects to retain counsel to represent her in this case, a notice of appearance should be filed in the docket by February 4, 2022.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Complainant shall be granted an extension of time, until February 4, 2022, to file a memorandum contra Respondent's December 22, 2021 motion to dismiss. It is further,

{¶ 11} ORDERED, that Respondent shall, by February 11, 2022, file its reply memorandum, if any, in response to any such memorandum contra as may be duly filed by Complainant. 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*

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By: Daniel E. Fullin  
Attorney Examiner

MJA/kck

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**1/10/2022 12:03:25 PM**

**in**

**Case No(s). 21-0950-EL-CSS**

Summary: Attorney Examiner Entry granting an extension of time until February 4, 2022 to file memorandum contra respondent's motion to dismiss, with any reply to such memorandum due by February 11, 2022 electronically filed by Ms. Mary E. Fischer on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio