

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THOMAS  
GALLAGHER,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-864-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on February 14, 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} 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 August 13, 2021, Thomas Gallagher (Mr. Gallagher or Complainant) filed a complaint against CEI, alleging that on April 5, 2021, CEI “noticed a problem” with the analog meter at his residence. Complainant asserts that the meter was replaced with a digital meter on April 14, 2021, and that CEI stated it would refund part of his bill based on usage indicated on the digital meter. Complainant contends that the estimated meter reading on the analog meter was 14,158 kWh from January 16, 2021, to April 14, 2021, while the actual meter reading from April 14, 2021 to August 5, 2021, was approximately 2,600 kWh. Mr. Gallagher explains that his home has only two residents and that CEI incorrectly claims that over 24,000 kWh of electricity was used. Complainant emphasizes that the analog meter did not work correctly from the time it was installed. Mr. Gallagher seeks a refund on his bill from the time that the analog meter was installed until it was

removed, as well as a refund of his \$351 security deposit, which he states that CEI requested because of his usage.

{¶ 4} CEI filed its answer on September 1, 2021. CEI states that an actual read was obtained on January 16, 2021, and that an estimated read did not take place until February 15, 2021. CEI notes that on April 9, 2021, Complainant provided an actual read of 26,810 kWh, which was higher than the March 17, 2021 estimated read of 23,920 kWh. CEI admits that a new meter was installed at Mr. Gallagher's home on April 14, 2021. In addition, CEI admits that it was contacted by Complainant to discuss billing and meter reading issues, and that the analog meter was replaced with a digital meter at Mr. Gallagher's request; CEI notes that the analog meter tested at 99.96 per cent accuracy. CEI notes that it informed Complainant of the analog meter's accuracy and that, therefore, high bills were caused by his usage; consequently, a refund on his bill was not warranted. CEI observes that Mr. Gallagher filed a similar complaint in 2016, in which Complainant alleged overcharges and inaccurate meter readings. CEI states that Complainant's 2016 complaint was dismissed after the parties agreed to a settlement. In CEI's opinion, Mr. Gallagher's complaint filed August 13, 2021, violates the 2018 Commission Entry dismissing his prior complaint, including terms and conditions of the confidential settlement agreement. CEI denies any other allegations made by Complainant.

{¶ 5} The parties participated in a September 23, 2021 settlement conference and continued with subsequent mediations, but were unable to resolve the matter. At the close of the final settlement conference on January 10, 2022, Complainant indicated that he would proceed to hearing with counsel. Since then, the attorney examiner has attempted to contact Complainant several times to determine the name and contact information of Complainant's attorney, but no reply has been received.

{¶ 6} Accordingly, no later than March 4, 2022, Complainant shall file a letter at the Commission indicating name and contact information of his attorney, as well as dates

that Complainant is available for a hearing. If Complainant does not respond by March 4, 2022, the complaint may be dismissed for failure to prosecute the matter.

{¶ 7} 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).

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That no later than March 4, 2022, Complainant shall file a letter at the Commission indicating name and contact information of his attorney, as well as dates that Complainant is available for a hearing. It is, further,

{¶ 10} 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). 21-0864-EL-CSS**

Summary: Attorney Examiner Entry ordering that no later than March 4, 2022, Complainant shall file a letter at the Commission indicating name and contact information of his attorney, as well as dates that Complainant is available for a hearing electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission