

FILE

February 6, 2022

Daniel E. Fullin, Attorney Examiner for Case No. 21-0950-EL-CSS
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

PUCO

2022 FEB 22 AM 9:12

RE: Judy DeFrench vs The Illuminating Company
Case No. 21-0950-EL-CSS

Request for (1) my friend to be allowed to act as a messenger between myself and Attorney Examiner Fullin so I can get answers to questions I have about the formal complaint process; and (2) an extension of time to file a memorandum contra Respondent's December 22, 2021 motion to dismiss. I request an expedited ruling on both of these requests.

Dear Mr. Fullin,

I am writing to request (1) my friend be allowed to act as a messenger between myself and you so I can get answers to questions I have about the formal complaint process; and (2) an extension of time to file a memorandum contra Respondent's December 22, 2021 motion to dismiss so I can make decisions about filing that after my questions have been answered. Per Ohio Administrative Code Rule 4901-12(C), I request an expedited ruling on both of these requests.

1) Request that my friend be allowed to act as a messenger between myself and you so I can get answers to questions I have about the formal complaint process.

I read the "Formal Complaint Procedures" brochure PUCO mailed to me in September 2021 along with PUCO's Complaint response letter. As directed in that brochure, I also read the Ohio Administrative Code at chapters 4901-1 and 4901-9. I have questions about the formal complaint process that are not answered in those sources. The brochure states: "If you have any questions, do not hesitate to contact the attorney examiner assigned to your case." Thus, I need to contact you to get my questions answered.

The problem is that I am unable to contact you personally as your office telephone number has a recording that explains you are working from home because of COVID and to email you. I have no computer, smartphone, or Internet access, like approximately 30 percent of households in Ohio, so I have no way to email you. And, even if you were available by telephone, I work during normal business hours, am not able to make or receive telephone calls at work, and cannot financially afford to miss a day of work to stay home to use my home phone, which does not have long distance phone service so I cannot call Columbus anyway. The only way to efficiently and expeditiously solve this problem is for me to give my list of questions for you to my friend, who is available during normal business hours, so she can convey them to you and then, in turn, convey your answers back to me. I am, therefore, requesting that my friend Susan Kretchmer be allowed to do this. Please note that she will be merely acting as a

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messenger conveying questions and answers, not as counsel or representing me in any substantive way in this process.

2) Request for an extension of time to file a memorandum contra Respondent's December 22, 2021 motion to dismiss.

As you know, at my request, my friend reached out to you on December 23, 2021 in hopes of getting answers to the questions I have about the formal complaint process, but you did not respond. The following week when I received via US Mail Respondent's December 22, 2021 motion to dismiss, the questions that I needed answered became even more important and time-sensitive and a few new questions arose. I need my questions answered before I can make decisions about filing a memorandum contra Respondent's motion to dismiss.

In addition, I am requesting an extension of time to file a memorandum contra as a matter of fairness to in part level the playing field in this process and as an accommodation, per the Americans with Disabilities Act, for my electromagnetic hypersensitivity disability.

As we all know, The Cleveland Electric Illuminating Company (CEI) is required, per the Ohio Administrative Code, to be represented by an attorney during the formal complaint process, and CEI has three attorneys assigned to my complaint. Those three attorneys likely each work 40 hours per week and it is their job to do whatever is necessary to properly represent CEI's interests in my case so they can spend as many hours, days, or weeks as they feel is needed to write motions and memorandums to file with PUCO in my case. It is also likely those three attorneys have resources and the latest technology (e.g., clerical staff, computers, printers, email, Internet access, subscriptions to legal databases such as Westlaw, etc.) at their disposal to help them carry out their jobs efficiently and speedily. This is all as it should be and I only mention the details so we can clearly understand the nature of the playing field for my formal complaint, including the disparity between CEI's circumstances and mine.

In contrast to CEI, the brochure PUCO sent me states: "Individuals may have an attorney represent them in formal complaints, but it is not required." While I would be thrilled to have an attorney represent me, I cannot afford one attorney, let alone three like CEI. Thus, I have no choice but to represent myself in this process. And, as explained in my formal complaint filed in September 2021, I cannot forgo electric service, cannot afford CEI's illegal surcharge, and cannot allow CEI to install its smart meter, which, every day in perpetuity, would cause me disabling health effects and harm in my own home and devastate my life by taking away my one and only safe refuge from excessive EMF that allows me the recovery time my disability requires so I can function, work to earn a living, and be self-sufficient. Thus, I have no choice but to pursue this formal complaint process to get PUCO to block CEI from forcing me to pay an opt-out surcharge that is not "just, reasonable, and not more than the charges allowed by law" (Ohio Revised Code Section 4905.22) under the Americans with Disabilities Act. As opposed to CEI's three attorneys whose full-time job is to represent their client, though, please understand that my properly representing myself requires as much time and effort as the three attorneys are devoting to my case, but this case is a burden on me on top of my unrelated full-time job and that burden is harder for me to bear because of my disability and the fact that I do not have the benefit of the resources and latest technology CEI's three attorneys have to assist them.

So you can understand the reasons for the length of time I am requesting for the extension to file a memorandum contra, you need to understand how my life plays out with my disability and what I have to manage to do to accomplish filings with PUCO --

Because of my disability, by the time my work day is over, the physical and mental impairment, including pains in my head and chest and dizziness, caused by the accumulative effect of the EMF I have been in all day is so disabling that I must immediately go to my home without excessive EMF to rest and try to recuperate as best I can. In the weekday evenings, doing the most basic necessities of life, like making dinner and cleaning up after, brushing my teeth and taking a shower, are a struggle and sometimes do not get done before I fall asleep from exhaustion. Because the impact of the EMF exposure is accumulative, every day as the work week goes on is more difficult for me to get through than the day prior. By Saturday, the week's worth of EMF leaves me completely drained, exhausted, discombobulated, unclear, unable to think straight, unable to accomplish anything or to figure out how to get anything done, and unable to shake all this off. Thanks to the recovery time in my home without excessive EMF that Saturday affords, by Sunday I usually, but not always, am able to function more normally. As a result, I have one day per week to accomplish all the routine requirements of life (e.g., do laundry, write checks to pay bills, take care of household chores and upkeep, etc.) that people without my disability who work full time spread out over weekday evenings, Saturday, and Sunday. And, due to my disability, Sunday is the only day of the week during which I am physically and mentally capable of focusing on my PUCO case and writing anything.

Further, I am at a disadvantage in terms of resources and technology that facilitate speed and efficiency in writing documents. Since I do not have a computer, smartphone, printer or Internet access, and documents to be filed with PUCO are too much for handwriting, in order to prepare materials for PUCO I must find a friend or relative with a computer and Internet access who is available on Sunday to take dictation from me over the telephone, read text back to me as needed, look things up for me on the Internet (e.g., the Ohio Administrative Code) and read that information to me, and, when the document is complete, email it to the public library for me so I can then go to the library after work the next day to have a librarian print out copies of the document that I can then send via US Mail to PUCO and CEI's attorneys. Needless to say, this is a very time-consuming process and, given the demands of the friend/relative's family and routine life requirements, both the friend/relative helping me and I have very limited time on Sunday to devote to preparing materials for PUCO.

An additional important consideration that you need to be aware of with regard to the length of the extension I am requesting is the time it takes for US Mail to travel between Cleveland and Columbus. Whereas CEI's three attorneys have the technology to e-file and receive documents electronically from PUCO so don't have this issue, as already explained, I do not have that luxury and must instead rely on the US Mail to send documents to and receive them from PUCO. Ohio Administrative Code Rule 4901-1-07(B) states:

"Whenever a party is permitted or required to take some action within a prescribed period of time after a pleading or other paper is served upon him or her and service is made by mail, three days shall be added to the prescribed period of time."

While three days was sufficient time for US Mail to travel between Cleveland and Columbus in March 2020 when that Rule was last reviewed, unfortunately given the substantial slowing of the movement of US Mail in the past year+, three days is no longer adequate to account for Mail travel time. For example, I wrote a request to Attorney Examiner Fullin on October 10, 2021 and had the library print the document for me and mailed it on October 11, but PUCO did not receive and docket it until October 20. Similarly, Attorney Examiner Fullin wrote an Entry in the Journal on January 7, 2022, but it was not docketed until January 10 and I did not receive it via US Mail until January 18. Thus, rather than an allowance of three days for service by US Mail, seven days is the current bare minimum travel time.

Given the sum of all the above considerations, as a matter of fairness to in part level the playing field in this process and as an accommodation for my disability per the Americans with Disabilities Act, I am requesting an extension of time to file a memorandum contra Respondent's December 22, 2021 motion to dismiss as follows:

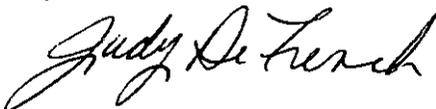
- seven days from the date of your response to this request for the US Mail to deliver your response to me
- seven days to get my questions answered so I can make decisions about filing a memorandum contra; this timeframe assumes you grant my request for my friend to convey my questions to you and then convey your answers back to me, and allows a bit of time in case I have any follow-up questions that require my friend to do another round of conveying questions and answers between me and you
- eight weeks to write a memorandum contra, if I choose to do so; as I described above, given my disability that only permits me to work on my case during a portion of Sunday, eight weeks provides me eight partial Sundays, barely half of the fifteen days normally allowed under Ohio Administrative Code Rule 4901-1-12(B)(1) to prepare a memorandum contra
- seven days for the US Mail to deliver my memorandum contra to PUCO

Therefore, in total, from the date of your response to the requests contained in this document, I am requesting an extension of eleven weeks to file a memorandum contra with PUCO.

Finally, per Ohio Administrative Code Rule 4901-1-12(C), I request an expedited ruling on both of the requests above. As you know, I have had questions about the formal complaint process to which I have been trying to get answers from you since December 23, 2021 so I would be grateful for an expedited ruling that will hopefully allow my friend to be the messenger between me and you to solve this problem so I can have the information I need to make decisions about moving forward with this process. And, an expedited ruling is needed on my request for an extension of time to file a memorandum contra because, per the Ohio Administrative Code, PUCO obviously wants to move this process along in a timely manner and I would like the opportunity to file a memorandum contra, if I choose to do so, before you take any action on the Respondent's December 22, 2021 motion to dismiss.

Many, many thanks for your consideration and assistance.

Sincerely,



Judy DeFrench
1156 East Miner Road
Mayfield Heights, OH 44124
Telephone: 440-442-9793

CC: Christopher A. Rogers
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378

January 30, 2022

Daniel E. Fullin, Attorney Examiner for Case No. 21-0950-EL-CSS
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

RE: Judy DeFrench vs The Illuminating Company
Case No. 21-0950-EL-CSS

Request for expedited ruling on my request dated October 10, 2021 and docketed October 20, 2021 for the \$28.29 monthly opt-out surcharge and any taxes and fees that are assessed on it that CEI has imposed on me since my September 2021 bill be placed in a disputed charge status.

Dear Mr. Fullin,

I am writing to request an expedited ruling, per Ohio Administrative Code Rule 4901-1-12(C), on my request dated October 10, 2021 and docketed October 20, 2021 for the \$28.29 monthly opt-out surcharge and any taxes and fees that are assessed on it that The Cleveland Electric Illuminating Company (CEI) has imposed on me since my September 2021 bill be placed in a disputed charge status. As explained in my formal complaint and my October 2021 request, when PUCO's Ms. Grady was assisting with my informal complaint and then directed me on how to file my formal complaint, she informed me that the Attorney Examiner assigned to my formal complaint would be able to put the charges in a disputed charge status, thus my request to you. As also explained in my formal complaint and my October 2021 request, the Disability Rights Section of the U.S. Department of Justice advised me that the opt-out surcharge is illegal per the Americans with Disabilities Act, specifically Sec. 36.301, which states:

"(c) Charges. A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part."

I am aware, of course, that CEI disputes that their surcharge is illegal. Thus, clearly the surcharge being imposed on me needs to be put in the disputed charge status until PUCO resolves this matter.

I am requesting an expedited ruling now because when I filed my formal complaint and then the separate request on this issue as directed by you in October 2021, I did not realize that almost four months later a ruling would still not be issued. Likewise, I now understand that the entire formal complaint process is lengthy as a librarian I queried at the public library informed me she could not find any specific timeframe for the process, but looking at the docketing system, she saw cases that had been filed more than a year ago for which hearings still had not been scheduled.

Please see my October request so you can understand the actions CEI had already taken at that time to collect the illegal surcharge from me. Given the slowness of this formal complaint process, an expedited ruling on my October request is needed now as CEI has taken further actions since October. In November, CEI conducted its quarterly review of my Equal Payment Plan and, as I explained in my October request to you would be the case, CEI raised my monthly payment amount in response to the imposition of the illegal monthly opt-out surcharge being added to my account from September onward. I was then billed for that increased Equal Payment Plan amount beginning with my December bill. Since I do not believe it is appropriate that I be forced to pay an illegal surcharge, want it to be clear I am not agreeing to pay it, and also cannot afford this increase in my monthly payment, for my December bill, I paid only the amount of my Equal Payment Plan monthly payment prior to the increase caused by the illegal opt-out surcharge. On my January bill, CEI then listed the difference between what I paid and the surcharge amount as an overdue balance that needed to be paid immediately and, in addition, assessed a late payment charge. For my January bill, I again did not pay the increase caused by the illegal opt-out surcharge, did not pay the late payment charge, and will not pay those illegal charges on subsequent bills so the overdue balance and late charges will continue to mushroom with every passing month. Needless to say, in short order, this will reach a crisis point where CEI will disconnect my electric service, initiate collection action, and/or make negative reports to consumer credit reporting agencies. It is simply not right that I be put in this kind of danger when I followed the rules in submitting a formal complaint in September 2021 and have no control over the duration of this process that I must go through to get PUCO to block CEI from forcing me to pay an opt-out surcharge that is not "just, reasonable, and not more than the charges allowed by law" (Ohio Revised Code Section 4905.22) under the Americans with Disabilities Act.

Therefore, I ask that, without further delay via an expedited ruling, you please place the September and subsequent monthly \$28.29 surcharges and any taxes and fees that are assessed on them that CEI has imposed on me into a disputed charge status until my formal complaint case is resolved by PUCO, as requested in my October filing. Given CEI's actions since that time, I also request now that you please require CEI to redo their November quarterly review of my account without including those disputed charges so my Equal Payment Plan monthly amount no longer reflects the addition of the surcharge and the late payment charges on the increase the surcharge caused, which I did not pay, are removed from my account.

Many, many thanks for your consideration and assistance.

Sincerely,



Judy DeFrench
1156 East Miner Road
Mayfield Heights, OH 44124
Telephone: 440-442-9793

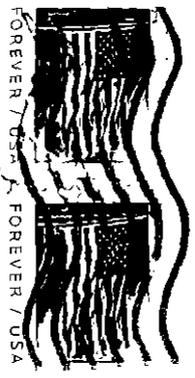
CC: Christopher A. Rogers
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378

Judy DeFrench
1156 East Miner Rd.
Mayfield Hts, OH 44124

David E. Fullin

Attorney Examiner for C.A. No. 21-0950-EL-CSS
Public Utilities Commission of Ohio
180 East Broad St.
Columbus, Ohio 43215-3793

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