

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
ALAN JONES,

COMPLAINANT,

v.

CASE NO. 22-16-EL-CSS

THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY,

RESPONDENT.

## ENTRY

Entered in the Journal on March 30, 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. Additionally, pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 2} The Cleveland Electric Illuminating Company (Respondent or CEI) is a public utility as defined in R.C. 4905.02. As such, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On January 5, 2022, Alan Jones (Complainant) initiated a complaint against Respondent alleging that he was over-billed. Complainant states that for a duplex property with two electric meters, he requests the bill for either side when unoccupied be sent to him. Further, Complainant alleges that, going back possibly as far as 2016 when Respondent installed new electric meters, it has billed him incorrectly when he has transferred billing of the unoccupied half of the duplex to himself, resulting in much higher bills than he should receive for an unoccupied property.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to CEI on January 5, 2022, directing CEI to file its answer and any other responsive pleading within 20 days after January 5, 2022.

{¶ 5} CEI filed its answer on January 25, 2022. In its answer, CEI admits some allegations in the complaint. CEI states that it denies or is without sufficient knowledge to ascertain the veracity of some of the allegations in the complaint. Further, CEI sets forth in the answer several affirmative defenses.

{¶ 6} On February 7, 2022, the attorney examiner, by Entry, scheduled a settlement conference to occur on March 24, 2022. The conference occurred as scheduled. During the conference, the parties requested another opportunity to have settlement discussions.

{¶ 7} At this time, the attorney examiner finds that this matter should be scheduled for a second settlement conference. The purpose of the settlement conference will be to explore the parties' continued willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 8} Accordingly, a settlement conference shall be scheduled for June 7, 2022, at 10:00 a.m. The settlement conference shall be held telephonically. To participate in the settlement conference, the parties shall call 614-721-2972 and enter 279-986-286 #, when prompted.

{¶ 9} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 10} 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 conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a settlement conference be held on June 7, 2022, , in accordance with Paragraph 8. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis  
Attorney Examiner

NJW/mef

**This foregoing document was electronically filed with the Public Utilities  
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**3/30/2022 3:25:23 PM**

**in**

**Case No(s). 22-0016-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for June 7, 2022, at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio