

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
VILSON MIHAJ,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-1017-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 1, 2022

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice affecting or relating to any service furnished by that 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 Commission's jurisdiction.

{¶ 3} On September 30, 2021, Vilson Mihaj (Complainant) filed a complaint against CEI alleging that, during calls Complainant made to the Company on May 1 and May 10, 2021, CEI misled and misinformed Complainant regarding how he should proceed to turn off service to three specific accounts. In this regard, Complainant alleges that a CEI customer service representative advised him that "for future units at the building (he) would just need to turn off the main breaker and there would be no need to call" CEI and, further, "that (he) would not be charged for usage." In subsequent calls Complainant made to the Company, CEI allegedly "reconfirmed that (Complainant) only need(s) to keep the main breaker off and (he) would not be billed." Despite this, alleges Complainant, CEI continued to bill in an amount "over \$400" and, allegedly, in every one of many calls

Complainant made to CEI to resolve this matter, Complainant “was told that (he) still need to pay even though (he) was misinformed.”

{¶ 4} On October 19, 2021, CEI filed its answer in which it admits some, and denies others of the complaint’s allegations and sets forth several affirmative defenses. Among other things, CEI admits: (1) that Complainant is its customer who receives electrical service pursuant to the accounts and at the service address identified in the complaint; (2) that Complainant called CEI twice on May 10, 2021 “to discuss options available to place ‘a hold’ on the electric service” for the identified accounts. Additionally, CEI denies, among other things, that: (1) Complainant made any call to CEI on May 1, 2021; (2) that a CEI customer service representative told Complainant that he would not be charged or billed if he turned off the main breaker; (3) that CEI confirmed, every time Complainant called, that Complainant would not be billed; and (4) that Complainant was misled and misinformed by the Company. Answering further, CEI asserts that: (1) CEI representatives explained to Complainant, during both May 10th calls, that there was no way to place a “hold” on the accounts to avoid billing charges; (2) the representatives further explained that turning off the main breaker would only prevent Complainant from accumulating usage charges, but other customer charges would still be billed accordingly; and (3) Complainant was also advised that terminating service to the accounts would be the only way to avoid receiving future monthly service charges. Beyond this, CEI in its answer posits that: (1) during the May 10th calls, Complainant directed CEI to terminate service to some accounts, while leaving electric service active on other accounts; and (2) Complainant continued to receive bills for the accounts that Complainant selected not to terminate service to.

{¶ 5} A prehearing settlement teleconference was scheduled for and held in this case on November 19, 2021. The parties did not reach a formal settlement of the case at that time.

{¶ 6} R.C. 4905.26 requires that the Commission set for hearing a complaint against a public utility whenever reasonable grounds for complaint appear that any rate charged

demanded is in any respect unjust, unreasonable, or in violation of law, or that any practice affecting or relating to any service furnished is unjust or unreasonable.

{¶ 7} The attorney examiner finds that reasonable grounds for complaint have been presented. Accordingly, this case should be scheduled for hearing on July 18, 2022, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus Ohio 43215-3793. All parties should register at the building's lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 9} In complaint proceedings before the Commission, 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). Therefore, at the hearing, it shall be Complainant's responsibility to appear and present evidence in support of the complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for July 18, 2022, at 10:00 a.m. at the Commission's offices, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215-3793. 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

By: Daniel E. Fullin  
Attorney Examiner

NJW/hac

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 21-1017-EL-CSS**

Summary: Attorney Examiner Entry ordering that , this case should be scheduled for hearing on July 18, 2022, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio