

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

BAYYINAH A. BROOKS,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 21-0824-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S  
UNOPPOSED MOTION FOR CONTINUANCE**

Pursuant to Ohio Administrative Code Sections 4901-1-12 and 4901-1-13, Respondent The Cleveland Electric Illuminating Company (“CEI” or the “Company”), respectfully moves the Commission for an Order continuing the Hearing currently scheduled for July 20, 2022 to accommodate the schedule of CEI’s expert witness. CEI’s potential witnesses are unavailable on July 20, 2022 to participate in a hearing, either in person or remotely. Counsel for CEI spoke to Complainant on June 6, 2022, who indicated that she does not oppose this continuance.

Respectfully submitted,

/s/ Christopher A. Rogers  
Christopher A. Rogers (100781)  
BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP  
200 Public Square, Suite 2300  
Cleveland, Ohio 44114-2378  
Telephone: 216-363-4500  
Facsimile: 216-363-4588  
Email: [crogers@beneschlaw.com](mailto:crogers@beneschlaw.com)  
*Counsel for The Cleveland Electric Illuminating  
Company*

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

BAYYINAH A. BROOKS,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 21-0824-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S MEMORANDUM IN  
SUPPORT OF UNOPPOSED MOTION FOR CONTINUANCE**

**I. FACTUAL AND PROCEDURAL BACKGROUND**

Complainant filed a Complaint against Respondent The Cleveland Electric Illuminating Company (“CEI” or the “Company”) on July 27, 2021. Within her Complaint, she alleged that she moved out of her apartment on May 31, 2021 and received a final bill in the amount of \$1,300, because the previous bills were estimated.

On August 16, 2021, CEI filed its answer in which it admits some and denies others of the complainant’s allegations. Among other things, CEI admits: (1) Complainant discontinued electrical services to the involved apartment effective May 28, 2021; (2) that Complainant received a final bill dated June 10, 2021 in an amount of \$1,348.03 which includes an unpaid holdover balance from Complainant’s previous bills; and (3) that the final bill was initially based on an estimated read that was later confirmed by an actual read.

On June 1, 2022, the Attorney Examiner scheduled the evidentiary hearing for July 20, 2022. In preparation for the upcoming hearing, counsel reached out to CEI employees who have the most applicable knowledge regarding the allegations in Complainant’s Complaint.

Unfortunately, neither of the two potential witnesses are available on July 19-20, 2022 to attend the hearing.

Counsel for CEI spoke to Complainant on June 6, 2022, who indicated that she does not oppose this continuance.

## II. ARGUMENT

CEI respectfully requests that the Commission continue the July 20, 2022 evidentiary hearing to August 2022, to accommodate the availability of CEI's witness.

Ohio Administrative Code Section 4901-1-13(A) provides, in pertinent part, that "continuances of public hearings and extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown[.]" The Commission has routinely found good cause to continue a hearing date when a witness is unavailable on the scheduled date.<sup>1</sup> Without the continuance, CEI will be prejudiced because its witness most suitable to address the allegations contained in the Complaint will be unavailable to testify. Complainant will not be prejudiced by a short continuation of the hearing date. No previous continuances have been requested.

Complainant does not oppose a continuance of the hearing date.

---

<sup>1</sup> *In the Matter of the Complaint of Terry L. Belt v. Ohio Edison Company*, PUCO Case No. 20-1161-EL-CSS, Entry ¶ 9 (Oct. 25, 2021) (witness unavailable); *In re Complaint of Cledith Palmer v. Ohio Cen. Rr., Inc.*, PUCO Case No. 04-1695-RR-CSS, 2005 WL 1017953, Entry ¶¶ 3, 5 (Apr. 29, 2005) (unavailability of witness); *Surf Cincinnati, Inc. v. Cincinnati Gas & Elec. Co.*, PUCO Case No. 02-1253-EL-CSS, 2003 WL 21206000, Entry ¶¶ 5-6 (Feb. 27, 2003) (unavailability of witness); *In the Matter of the Compl. of Steve and Tammy Dumeney and Sharon Felix v. Aquameter, Inc.*, PUCO Case No. 96-397-WW-CSS, 2000 WL 36092512, Entry ¶¶ 2-3 (June 19, 2000) (unavailability of counsel); *In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of The East Ohio Gas Company and Related Matters*, PUCO Case No. 87-30-GA-GCR, 1987 WL 1464052, Entry ¶¶ 2, 4 (Aug. 28, 1987) (unavailability of witness); *In the Matter of the Compl. of James David Morrow*, PUCO Case No. 82-582-GE-CSS, 1982 WL 973163, Entry ¶¶ 2, 4 (Oct. 1, 1982) (scheduling conflicts of counsel and witnesses).

### III. CONCLUSION

For the foregoing reasons, CEI respectfully requests a continuance of the hearing in this matter.

Respectfully submitted,

/s/ Christopher A. Rogers  
Christopher A. Rogers (100781)  
BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP  
200 Public Square, Suite 2300  
Cleveland, Ohio 44114-2378  
Telephone: 216-363-4500  
Facsimile: 216-363-4588  
Email: [crogers@beneschlaw.com](mailto:crogers@beneschlaw.com)  
*Counsel for The Cleveland Electric Illuminating  
Company*

### **CERTIFICATE OF SERVICE**

On June 10, 2022, the foregoing document was filed on the Public Utilities Commission of Ohio's Docketing Information System. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record in this proceeding. A service copy has been sent by U.S. Mail on this 10th day of June 2022 to the Complainant at the following address:

Bayyinah Brooks  
3247 Yorkshire Road  
Cleveland Heights, OH 44118

/s/ Christopher A. Rogers  
*Attorney for The Cleveland Illuminating  
Company*

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

**6/10/2022 4:34:20 PM**

**in**

**Case No(s). 21-0824-EL-CSS**

Summary: Motion The Cleveland Electric Illuminating Company's Unopposed  
Motion for Continuance electronically filed by Mr. Christopher Rogers on behalf of  
The Cleveland Electric Illuminating Company