

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
BAYYINAH A. BROOKS,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-824-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 16, 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), 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 July 27, 2021, Bayyinah A. Brooks (Ms. Brooks, or Complainant) filed a complaint against CEI alleging that she has been inaccurately billed for electric service.

{¶ 4} On August 16, 2021, CEI filed its answer in which it admits some, and denies others of the complainant's allegations.

{¶ 5} A prehearing settlement teleconference was scheduled for and held in this case on October 18, 2021. Although the parties did not reach a formal settlement of the case at that time, they agreed to keep working towards a mutually agreeable resolution of the case.

{¶ 6} By Entry issued June 1, 2022, a hearing in this case was scheduled for July 20, 2022, at the offices of the Commission.

{¶ 7} On June 10, 2022, CEI filed a motion to continue the hearing, indicating that CEI's potential witnesses are unavailable on July 20 to participate in a hearing. The motion indicates Complainant was contacted and does not oppose the requested continuance.

{¶ 8} The attorney examiner finds that CEI's unopposed motion to continue the hearing is for good cause and should be granted. The attorney finds that the hearing should be rescheduled to August 3, 2022.

{¶ 9} Accordingly, the hearing in this matter should be rescheduled to occur on August 3, 2022, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the building's lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 10} All discovery requests should be scheduled in accordance with Ohio Adm.Code 4901-1-16 to 4901-24.

{¶ 11} 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.

{¶ 12} 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.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That a hearing be scheduled for August 3, 2022, at 10:00 a.m. at the Commission's offices, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

{¶ 15} 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

MLW/hac

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

**6/16/2022 2:10:27 PM**

**in**

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

Summary: Attorney Examiner Entry ordering that a hearing be scheduled for August 3, 2022, at 10:00 a.m. at the Commission's offices, Hearing Room 11-A, 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