

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LLOYD E. JACKSON,**

COMPLAINANT,

v.

CASE NO. 22-193-EL-CSS

**SMARTENERGY HOLDINGS LLC AND
THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on June 22, 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} SmartEnergy Holdings, LLC (SmartEnergy) is an electric services company as defined in R.C. 4928.01 and is certified to provide competitive retail electric service under R.C. 4928.08. Accordingly, SmartEnergy is subject to the Commission's jurisdiction.

{¶ 3} The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On March 14, 2022, Lloyd Jackson (Mr. Jackson or Complainant) filed a complaint against SmartEnergy and CEI. Complainant contends that the estimated amount

of utility charges and late fees of \$476 for 17 months ago, starting in September 2021, is invalid and inaccurate.

{¶ 5} SmartEnergy filed its answer and request to dismiss on April 1, 2022. SmartEnergy states that it has entered into a settlement with Complainant that resolves the matter. SmartEnergy requests to dismiss the complaint with prejudice.

{¶ 6} CEI filed its answer on April 4, 2022. CEI admits that Mr. Jackson is a customer. CEI states that, because of COVID-19, estimated meter readings occurred at Complainant's address until an actual meter read on August 27, 2021, at which time Complainant's prior estimated readings were reconciled. Mr. Jackson was billed for the reconciled amount. CEI states that there were no signs of this process causing Complainant to overpay for his services because of inaccurate billing.

{¶ 7} In a May 13, 2022 Entry, the attorney examiner directed Complainant to file a letter, no later than May 31, 2022, whether he considers the matter resolved with SmartEnergy and if he wishes to proceed with the complaint against CEI. Mr. Jackson filed a letter on June 1, 2022, stating that he does not consider the matter resolved against CEI. Complainant did not include any comments in the letter about SmartEnergy, so presumably Mr. Jackson's complaint against SmartEnergy has been resolved.

{¶ 8} It appears that reasonable grounds for complaint against CEI have been presented. Accordingly, the hearing shall be scheduled for 1:00 p.m. on August 22, 2022, at the offices of the Commission, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 9} 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 the commencement of the hearing.

{¶ 10} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E. 2d 666 (1966).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a hearing be scheduled as indicated in Paragraph 8. It is, further,

{¶ 13} ORDERED, That any party intending to present direct, expert testimony comply with Paragraph 9. It is, further

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

NJW/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0193-EL-CSS

Summary: Attorney Examiner Entry ordering that the hearing shall be scheduled for 1:00 p.m. on August 22, 2022, at the offices of the Commission, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission