

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the	:	
Complaint of:	:	
	:	
Bayyinah A. Brooks,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 21-824-EL-CSS
	:	
The Cleveland Electric	:	
Illuminating Company,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Daniel E. Fullin, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-A, Columbus, Ohio, called at
10:15 a.m. on Wednesday, August 3, 2022.

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ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481

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1 APPEARANCES:

2 Benesch, Friedlander, Coplan & Aronoff, LLP
3 By Christopher A. Rogers, Esq.
4 200 Public Square, Suite 2300
5 Cleveland, Ohio 44114

6 On behalf of The Cleveland Electric
7 Illuminating Company.

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1 Wednesday Morning Session,
2 August 3, 2022.

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4 EXAMINER FULLIN: The Commission has
5 assigned for a hearing at this time and place,
6 Case No. 21-824-EL-CSS, In the Matter of the
7 Complaint of Bayyinah A. Brooks versus The Cleveland
8 Electric Illuminating Company.

9 My name is Dan Fullin. I'm the Attorney
10 Examiner assigned to hear this case.

11 May I begin by having the appearances on
12 behalf of the Company.

13 MR. ROGERS: Christopher Rogers from
14 Benesch Friedlander, on behalf of the Company.

15 EXAMINER FULLIN: Thank you.

16 And I'll ask for appearances from the
17 Complainant, but I'll note that the room is empty of
18 anyone that appears to be the Complainant, so it
19 appears that the Complainant is not here.

20 This hearing started at 10:00 -- or we
21 all were ready to begin at 10:00, when we waited
22 15 minutes for the Complainant to appear, and there
23 has been no appearance, so we went on the record and
24 established on the record that the Complainant has
25 failed to show.

1 Is there anything that counsel for the
2 Company would like to say or move at this time?

3 MR. ROGERS: Yes, Your Honor. At this
4 time, the Company would like to move for a dismissal
5 for failure to prosecute.

6 I would also note for the record that,
7 prior to setting the hearing date, I had contacted
8 Mrs. Brooks to figure out which date and time would
9 work best for her, and she did confirm that
10 August 3rd, today, would be a date that she would be
11 able to participate in the hearing.

12 I know that once the Entry was
13 ordered -- or issued, she did not -- there was no
14 objection to the date or the time of the hearing when
15 I personally e-mailed her a copy of the Entry setting
16 today's hearing, on June 16th, 2022. I also spoke
17 with her via phone on July 27th, 2022, just to
18 confirm the date and time of today's hearing.

19 EXAMINER FULLIN: Of today's hearing?

20 MR. ROGERS: Of today's hearing, yes,
21 Your Honor.

22 EXAMINER FULLIN: Okay. Thank you. I
23 appreciate that. And I will accept your motion on
24 the record. I expect that the Commission, itself,
25 will be making a ruling either on that motion or

1 otherwise, making a decision in the case based on the
2 failure of the Complainant to show today at the
3 hearing. And I appreciate all the things that you
4 said about the contacts that you've made leading up
5 to today --

6 MR. ROGERS: Thank you, Your Honor.

7 EXAMINER FULLIN: -- and that will be
8 noted on the record, too.

9 Is there anything further you would like
10 to bring up?

11 MR. ROGERS: Nothing further, Your Honor.

12 EXAMINER FULLIN: All right. Thank you.
13 That being the case, I think we're in a position to
14 adjourn the hearing. And I thank everyone for their
15 time.

16 MR. ROGERS: Thank you, Your Honor.

17 EXAMINER FULLIN: Thank you. We're
18 adjourned.

19 (Thereupon, the proceedings concluded at
20 10:18 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Wednesday, August 3, 2022, and carefully compared with my original stenographic notes.

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2023.

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in

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

Summary: Transcript of Bayyinah Brooks vs Cleveland Electric Company hearing held on 08/03/22 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn