

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

COMPLAINANT,

CASE NO. 21-824-EL-CSS

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on September 21, 2022

I. SUMMARY

{¶ 1} The Commission dismisses this complaint based on Complainant's lack of sufficient prosecution.

II. DISCUSSION

{¶ 2} 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.

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

{¶ 4} On July 27, 2021, Bayyinah A. Brooks (Complainant) filed a complaint against CEI alleging, among other things, that she has been inaccurately billed by CEI for electric service at an apartment that she moved out of on May 31, 2021.

{¶ 5} On August 16, 2021, CEI filed its answer in which it admits some and denies others of the complainant's allegations, while setting forth several affirmative defenses.

{¶ 6} A prehearing settlement teleconference was scheduled for and held in this case on October 18, 2021. However, the parties were unable to settle the matter.

{¶ 7} By Entry issued on June 16, 2022, an evidentiary hearing in this case, originally scheduled for July 20, 2022, was rescheduled to occur August 3, 2022. The hearing was held on August 3, 2022. The Complainant failed to appear. At the hearing, CEI moved to dismiss the complaint for failure to prosecute (Tr. 4). To date, Complainant has not attempted to contact anyone in the Commission's legal department to provide good cause for her absence from the hearing or request that the hearing be rescheduled.

{¶ 8} CEI's motion to dismiss the complaint should be granted. The Complainant's failure to appear at the evidentiary hearing demonstrates her failure to prosecute this case. Therefore, consistent with the Commission's precedent, the case should be dismissed, without prejudice. *In re Complaint of Michael A. Dane v. Ohio Power Co.*, Case No. 16-1971-EL-CSS, Entry (Aug. 16, 2017) at 10; *In re Complaint of Ricardo Garnell Lee v. Duke Energy Ohio, Inc.*, Case No. 18-44-EL-CSS, Entry (May 15, 2019) at ¶11."

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That CEI's motion to dismiss the complaint, without prejudice, for lack of prosecution should be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

DEF/dmh

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

Summary: Entry dismissing this complaint based on Complainant's lack of sufficient prosecution. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio