

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
RAYMOND A. COLLINS,**

**COMPLAINANT,**

**CASE NO. 21-473-EL-CSS**

**V.**

**THE TOLEDO EDISON COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on September 21, 2022

**I. SUMMARY**

{¶ 1} The Commission dismisses Complainant's complaint, without prejudice, for failure to prosecute the matter.

**II. DISCUSSION**

{¶ 2} 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.

{¶ 3} The Toledo Edison Company (Toledo Edison) is a public utility as defined in R.C. 4905.02. Accordingly, Toledo Edison is subject to the Commission's jurisdiction.

{¶ 4} On April 16, 2021, Raymond A. Collins (Complainant or Mr. Collins) initiated a complaint against Toledo Edison alleging that on February 5, 2021, Toledo Edison installed a new meter at his home and that on his next bill he was charged for electric usage that was three times more than his normal usage prior to installation of the new meter. Complainant believes that this usage amount for which he was billed after installation of the new meter is incorrect and/or unreasonable.

{¶ 5} Toledo Edison filed its answer on May 3, 2021. In its answer, Toledo Edison admits some allegations in the complaint but generally denies the allegations relating to inaccurate electric usage amounts billed to Complainant, and also sets forth several affirmative defenses.

{¶ 6} By Entry issued June 17, 2021, the attorney examiner scheduled a settlement conference for July 16, 2021, to be held telephonically. The day of the scheduled settlement conference, Complainant contacted Commission Staff to request that the settlement conference be rescheduled.

{¶ 7} By Entry issued July 21, 2022, the attorney examiner rescheduled the settlement conference for August 18, 2021, to be held telephonically.

{¶ 8} The settlement conference was held as scheduled on August 18, 2021; however, the parties were unable to settle the matter.

{¶ 9} By Entry issued February 14, 2022, the attorney examiner scheduled the case for an evidentiary hearing to be held on April 28, 2022. Based upon Complainant's communication that he preferred an in-person hearing, the hearing was scheduled to be held at the offices of the Commission.

{¶ 10} On March 28, 2022, newly appearing counsel for Toledo Edison filed a motion to modify procedural schedule, explaining that he only recently was assigned the case and had a scheduling conflict with the April 28, 2022, hearing date. In addition to the scheduling conflict, counsel also expressed a need for additional time to familiarize himself with the case. Toledo Edison, therefore, requested a continuance of the hearing date.

{¶ 11} By Entry issued April 5, 2022, the attorney examiner granted Toledo Edison's motion for a continuance and rescheduled the hearing for May 26, 2022, to be held at the offices of the Commission.

{¶ 12} On May 19, 2022, Toledo Edison prefiled the testimony of John C. Ahr, of FirstEnergy Service Company, for use at the hearing. Toledo Edison also filed on May 19, 2022, a motion for protective order to keep confidential certain portions of Mr. Ahr's testimony pertaining to Complainant's electric consumption history as detailed in bills from Toledo Edison.

{¶ 13} The hearing was held as scheduled on May 26, 2022, at the offices of the Commission. Toledo Edison participated in the hearing, but Mr. Collins was not present. The attorney examiner delayed opening the hearing to allow Mr. Collins additional time, but Complainant still did not appear (Tr. at 3). During the hearing, Toledo Edison made an oral motion to dismiss the complaint for lack of prosecution. As stated by Toledo Edison, the hearing was properly noticed on April 5, 2022. In addition, counsel for Toledo Edison served a copy of Mr. Ahr's testimony on Mr. Collins via overnight delivery service five days prior to the hearing. Based upon Complainant's lack of response or participation in the hearing, Toledo Edison believes that the complaint should be dismissed. (Tr. at 4-5.)

{¶ 14} To date, Complainant has not attempted to contact either the presiding attorney examiner or the Commission to explain his absence from the scheduled hearing that was held on May 26, 2022.

{¶ 15} The Commission observes that Complainant failed to appear at the May 26, 2022 hearing. Based upon Complainant's failure to attend the scheduled hearing or otherwise pursue his complaint, the Commission finds it appropriate to grant Toledo Edison's motion to dismiss the complaint for lack of prosecution. The motion shall be granted, without prejudice, and the case closed of record. With respect to the motion for protective order filed by Toledo Edison, the Commission finds it to be moot. The information which Toledo Edison seeks to keep confidential has already been filed by Complainant in the case docket, as he attached copies of his bills to the complaint.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the motion to dismiss the complaint be granted and the case be dismissed, without prejudice, and closed of record. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

**COMMISSIONERS:**

*Approving:*

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

DMH/dmh

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

**9/21/2022 2:46:20 PM**

**in**

**Case No(s). 21-0473-EL-CSS**

Summary: Entry that the Commission dismisses Complainant's complaint, without prejudice, for failure to prosecute the matter electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio