

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DAVID SCHIFER,**

COMPLAINANT,

CASE NO. 22-435-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on October 20, 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.

{¶ 2} Ohio Edison Company (Ohio Edison or Respondent) is a public utility as defined in R.C. 4905.02. As such, Ohio Edison is subject to the Commission's jurisdiction.

{¶ 3} On April 15, 2022, David Schifer (Mr. Schifer or Complainant) filed a complaint against Ohio Edison. Mr. Schifer states that he contacted Respondent on October 5, 2021, to get the information he would need to have a new service hookup on his property. Complainant relates that he informed Respondent that he already had an Ohio Edison pole on the property, as well as wire from the road to the pole, and wanted to finish the necessary work. Complainant alleges that he contacted Ohio Edison on October 7, 2021, to place a work order to get started. Upon expressing his desire to put his meter on the pole, he was told he could not because Ohio Edison owned the pole. Complainant asserts that he asked about taking control of the pole but was told it was not an option by an Ohio Edison employee, Cory Lawson. As stated in the complaint, Mr. Lawson further told Complainant that he wanted Mr. Schifer to have the pole removed and the wire run underground for cosmetic reasons. Complainant maintains he did not care about aesthetics and declined.

Mr. Schifer next indicates that, upon receiving an emailed spec sheet from Mr. Lawson, his electrician contacted Ohio Edison to ask if Mr. Schifer could take responsibility for the pole; the request was again denied. Mr. Schifer alleges that his electrician ordered the materials for risers and a meter base but, due to shortages and back orders, it took six to seven weeks to prepare for the meter. The complaint avers that, six weeks after that, Mr. Schifer received an email from Mr. Lawson requesting that Complainant sign off on and take responsibility for the pole. Mr. Schifer declares that he refused because he had asked numerous times to do just that and was told it was not an option. Continuing, Complainant alleges that he contacted Mr. Lawson's supervisor, who told him to move on. Mr. Schifer then contacted another supervisor. Subsequently, an operations manager and a foreman came to his property to assess the problem. Mr. Schifer indicates the men apologized for his inconvenience, told him to contact them when he was ready, and they would have his service hooked up immediately. The complaint states that the electrical inspection was done and submitted on December 6, 2021, and his electric service was hooked up on December 8, 2021. In conclusion, Mr. Schifer contends that it took two months and \$2,800 to install his new service, whereas he believes it should have taken less than a week and \$500 in cost had Ohio Edison turned the pole over to him upon his initial request. Mr. Schifer requests that Ohio Edison reimburse him for the unnecessary expenses he incurred as a result of being misled by Respondent.

{¶ 4} On May 5, 2022, Ohio Edison filed an answer. Respondent admits that Complainant contacted Ohio Edison in October 2021 about starting service on his property. Respondent asserts that, on October 22, 2021, an Ohio Edison line planner/designer spoke with Mr. Schifer about his request and advised him that—while he could not install the meter base on the Ohio Edison pole on his property—he could run an underground riser on the pole to his equipment. Respondent also asserts that Complainant was provided a copy of the Customer Guide for Electric Service, which included the specifications necessary for a customer riser, underground meter base, and meter pedestal and that the line planner/designer spoke with an electrician working on Complainant's behalf about the

necessary specifications and materials to build the meter pedestal. Responding further, Ohio Edison states that on November 19, 2021, Mr. Schifer submitted his new service order; that the permit for the electrical service inspection was received on December 7, 2021; and construction and meter set was completed on the property on December 9, 2021. Ohio Edison denies all other allegations set forth in the complaint. Respondent's answer also asserts several affirmative defenses, including failure to set forth reasonable grounds for complaint, failure to state a claim upon which relief can be granted, and alleged compliance with applicable statutes, rules, and regulations.

{¶ 5} By Entry dated August 11, 2022, the attorney examiner scheduled a telephonic settlement conference to explore the parties' willingness to negotiate a resolution of the complaint. The conference did not resolve the parties' dispute.

{¶ 6} The attorney examiner finds that this matter should be set for hearing. To accommodate scheduling conflicts and travel plans of all involved, the evidentiary hearing will be scheduled for April 18, 2023, at 10:00 a.m., in Hearing Room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the building's lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-29(A)(1)(h), any party intending to present direct expert testimony in this proceeding must file and serve said testimony no later than seven days prior to the commencement of the hearing.

{¶ 8} 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). Therefore, it shall be Complainant's responsibility to appear and present evidence in support of the complaint at the hearing.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a hearing be scheduled for April 18, 2023, at 10:00 a.m., as stated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

MLW/hac

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

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in

Case No(s). 22-0435-EL-CSS

Summary: Attorney Examiner Entry ordering that the evidentiary hearing will be scheduled for April 18, 2023, at 10:00 a.m., in Hearing Room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission