

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
BOYCE PARKER,

COMPLAINANT,

v.

CASE NO. 21-25-EL-CSS

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,

RESPONDENT.

## ENTRY

Entered in the Journal on November 2, 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} The Cleveland Electric Illuminating Company (CEI or Respondent) is a public utility as defined in R.C. 4905.02. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On January 6, 2021, Boyce Parker (Complainant or Mr. Parker) initiated a complaint against CEI alleging discrepancies between his electric meter reading and the usage indicated on his bills for November and December 2020. Complainant alleges that these discrepancies resulted in him being billed for a greater amount than the meter readings reflected.

{¶ 4} CEI filed its answer on January 25, 2021. In its answer, CEI denies all allegations in the complaint. CEI states that it denies or is without sufficient knowledge to ascertain the veracity of some of the allegations in the complaint. Further, CEI sets forth in the answer several affirmative defenses. CEI avers in its answer that on or around October 15, 2020, Complainant's meter was removed and replaced by CEI, and as a result, Complainant's November 11, 2020 bill includes usage from both meters based on actual

readings. CEI states that Complainant's electric meter is an "advanced digital meter" and denies that Complainant's meter has "remote-reading" capabilities. Further, CEI avers that Complainant's December 14, 2020 bill includes only usage from his new meter and is based on an actual meter reading.

{¶ 5} On February 26, 2021, the attorney examiner scheduled this matter for settlement. Accordingly, a settlement conference occurred as scheduled on March 23, 2021, but the parties were unable to settle the matter at that time.

{¶ 6} On June 16, 2021, Mr. Parker filed in the docket a memorandum providing updated information concerning his complaint.

{¶ 7} On March 14, 2022, Mr. Parker filed correspondence relative to his complaint, consisting of additional meter and billing information.

{¶ 8} On August 1 and again on August 15, 2022, Complainant submitted additional information to the docket.

{¶ 9} On September 19, 2022, the attorney examiner, by Entry, scheduled a hearing in this matter to commence via remote access technology on October 20, 2022, at 10:00 a.m.

{¶ 10} On October 6, 2022, counsel for Respondent filed both a notice of appearance and a motion to modify the procedural schedule, owing to a scheduling conflict with the October 20, 2022 hearing date. The Complainant did not file any pleading in opposition to Respondent's motion.

{¶ 11} On October 17, 2022, the attorney examiner rescheduled the hearing to occur on November 10, 2022.

{¶ 12} An unanticipated rescheduling of a previously schedule hearing has resulted in a conflict in the attorney examiner's hearing schedule. Therefore, at this time and after consultation with the parties in this matter, the attorney examiner finds that the procedural

schedule should be modified and the hearing in this matter should be rescheduled to take place on November 17, 2022, using remote access technology.

{¶ 13} Accordingly, a hearing in this matter shall be scheduled for November 17, 2022, at 10:00 a.m. The hearing shall be held using WebEx. Prior to the hearing date, the attorney examiner shall send connection information to the parties. Members of the public interested in observing the hearing may do so by navigating their web browser to <https://bit.ly/21-25-EVH>, filling out the required fields, and entering PUCO as the password. Alternatively, such interested persons may listen to the hearing by phone by dialing 1-408-418-9388 and entering access code 2336 150 5117.

{¶ 14} Of note, Ohio Adm.Code 4901-1-17(A) requires that discovery be completed prior to the commencement of the hearing, unless otherwise ordered for good cause shown. Also, in accordance with Ohio Adm.Code 4901-1-29(A)(1), the attorney examiner directs any party intending to present direct expert testimony to file and serve upon all parties such testimony no later than seven days prior to the commencement of the hearing.

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

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the procedural schedule be modified and that the hearing be rescheduled to occur on November 17, 2022, in accordance with Paragraph 12. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis  
Attorney Examiner

JRJ/dmh

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**in**

**Case No(s). 21-0025-EL-CSS**

Summary: Attorney Examiner Entry that the hearing be rescheduled to November 17, 2022, at 10 a.m., the hearing will be held using WebEx electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio