

NE

FILE

Ohio

Public Utilities
Commission

22-1065-EL-CSS

Case Number

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

Formal Complaint Form

R Simballa

Customer Name (Please Print)

Filed by Mary C Simballa

42100 Cream Ridge Rd

Customer Address

Lisbon

City

OH

State

44432

Zip

Against

110 017 845 519

Account Number

Customer Service Address (if different from above)

OHIO EDISON / First Energy

Utility Company Name

City

State

Zip

Please describe your complaint. (Attach additional sheets if necessary)

Ohio Edison did not provide timely notice regarding the demand for a security deposit and then applied payments to the security deposit instead of the current distribution charges as directed on the payment, in violation of the law regarding payments and the hierarchy included in the Ohio Administrative Code. The application of the submitted
Additional pages attached.

Mary C Simballa

Signature

330-831-8341

Customer Telephone Number

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician EC

Date Processed

11/16/2022

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RECEIVED-DOCKETING DIV

Ohio Edison did not provide timely notice regarding the demand for a security deposit and then applied submitted payments to the security deposit instead of the current distribution charges as directed on the payment, in violation of the law regarding payments and the hierarchy included in Ohio Administrative Code. The application of the submitted payments contrary to these provisions has caused and continues to cause the account to be in arrears. Ohio Edison has since provided notice of impending disconnection of service which would be contrary to the provisions of Ohio Administrative Code regarding disconnection based on amounts in dispute.

Ohio Edison/First Energy has violated OAC 4901:1-10-22(H), 4901:1-10-12(B)(3)(a), 4901:1-10-30, 4901:1-10-19(C), OAC 4901:1-10-02(D)(2), and ORC 4933.17,

1. My name is Mary C. Simballa, residing at 42100 Cream Ridge Rd., Lisbon, OH.
2. My phone number is 330-831-8341.
3. I am a consumer of Ohio Edison division of First Energy.
4. Ohio Edison is the electric utility service provider for this address.
5. Service Account is in the name of R Simballa.
6. Service Address is 42100 Cream Ridge Rd., Lisbon, OH 44432
7. The account number for this account and address is 110 017 845 519.
8. This complaint involves the time period between and including March 2021 through present (October 26, 2022 as of this writing)
9. Ohio Edison provided notice with the March 2021 bill regarding the potential imposition of a security deposit.
10. Ohio Edison imposed a security deposit in April 2022.
11. Ohio Edison did not provide any notice regarding the imposition of a security deposit after the notice provided 13 months prior which was included in the March 2021 bill.
12. Notice provided was not sufficient because legal notice must be adequate and timely and notice 13 months prior should not be considered to be timely.
13. I contacted Ohio Edison Customer Service regarding the security deposit and to discuss the lack of timely notice.
14. Ohio Edison representatives refused to remove security deposit.
15. I submitted payment, specifying the payment to be applied to current charges.

16. The payment was accepted, but not applied to the current charges as directed on the payment stub.
17. Ohio Edison applied the payment to the security deposit.
18. I called and asked to speak with a supervisor and was connected to a supervisor named "Ginger", who also refused to remove the security deposit, refused to apply the payments as directed, and insisted that Ohio Edison could apply the payments to the security deposit first based on Ohio Edison's tariff.
19. Ohio Edison's tariff (VI)(C)(A)-(I) regarding **Billing and Payment in the Electric Service Regulations** does not provide any information regarding demands for security deposits.
20. Application of partial payments is discussed in Ohio Edison's Tariff section XIV which applies to **Certified Suppliers (NOT Residential customers)**. Ohio Edison's Tariff section XIV(B) provides "Payments to the Company: Payments to the Company will be applied to the customer account in accordance with the Ohio Administrative Code, except as permitted by the Order in Case No. 02-1944-EL-CSS. The payment hierarchy specified by this Order is available on the Company's website." OAC 4901:1-10-22(H)(1)(2) and (3) provides for partial payments to be applied to current charges first. The Order in Case No. 02-1944-EL-CSS was not found on the website by conducting a search for the Order or Case No. Therefore, whatever hierarchy specified in this order should not be applicable to consumers because (1) Ohio Edison specifies that it applies to Certified Suppliers, and (2) because the case and hierarchy is not easily attainable by the consumer.
21. I made an informal complaint with the Public Utilities Commission.
22. The Public Utilities Commission called to share the response from Ohio Edison and the company's continued refusal to remove the security deposit since I was not provided timely notice regarding the imposition of the security deposit.
23. I requested to file a formal complaint with the Ohio Public Utilities Commission.
24. I paid, and have continued to pay, the current charges associated with this account since the imposition of the security deposit.
25. The payments have been applied to the past due balance instead of the current charges as requested with the payment, in violation of OAC 4901:1-10-22(H)(1)(2) and (3). This practice violates Ohio law regarding the application of payments as discussed in 73 Ohio Jur. 3d Payment and Tender § 43 which states "The common-law rules regarding the application of payments apply in Ohio. (footnote 1) Hence, a debtor owing a creditor more than one debt or a debt composed of several items has the right to direct to which debt or debts or to which item of a single debt and in what amounts a payment made should be applied." (footnote 2),"
26. I have marked each payment with notice for the payment to be applied to current charges.

27. Ohio Edison applied the initial payment to the security deposit instead of the current charges, causing the account to be delinquent and causing the account to be in arrears for the past few months.
28. Ohio Edison's application of payments to the security deposit before current charges also violates OAC 4901:1-10-22(H)(1)(2) and (3), as well as the common law rules regarding the application of payments as discussed in #17.
29. Ohio Edison's demand to hold the security deposit for 12 months violates ORC 4933.17 which limits the time frame for a utility company to hold a security deposit to six (6) months.
30. The bill for September 2022 includes notice of disconnection.
31. Ohio Edison's threat to disconnect service violates OAC 4901:1-10-19(C) which provides " * * * no utility company may disconnect service to a residential customer when " * * the customer fails to pay any amount in bona fide dispute * * * .
32. OAC 4901:1-10-19(C) defines bona fide dispute as "Where the customer has registered a complaint with the commission's call center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the electric utility cannot disconnect service when the customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year."
33. Ohio Edison actions related to the application of payment on this account fails to comply with the rules as noted in OAC 4901:1-10-30.
34. OAC 4901:1-10-12 requires the provision of customer rights and obligations, including being available on the electric utility's website and must include "(3) a description of (a) the circumstances under which the electric utility may demand and/or hold security deposits"
35. Ohio Edison Rights and Responsibilities fails to include information about notice, timing of imposition of security deposit, time that the security deposit will be held, how security deposits will be refunded, nor the timing of any refund. Therefore, the information provided on Ohio Edison's website does not provide sufficient information to meet the requirements of OAC 4901:1-10-12.

I respectfully request:

1. The prior payments be applied as requested when payments were made and as required by the law;
2. The refund of the late fees associated with the application of payments to the security deposit instead of the current charges as requested when the payments were made and accepted, and as required by the laws governing payments.

3. An investigation for other instances of similar violations by First Energy Corp. of the Ohio Revised Code, Ohio Administrative Code, Ohio Edison's tariff, and other laws;
4. Imposition of appropriate sanctions against Ohio Edison for the violations of the Ohio Revised Code, Ohio Administrative Code, Ohio Edison's tariff, and other laws;
5. Correction of the records, including to the credit reporting companies, about the payment history for this account.
6. Elimination of the security deposit since Ohio Edison has held the money applied to the security deposit for the 6 month time allowed by ORC 4933.17