

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
STEVEN G. PASTOR,

COMPLAINANT,

CASE NO. 22-981-EL-CSS

v.

NORTHEAST OHIO PUBLIC ENERGY
COUNCIL,

RESPONDENT.

ENTRY

Entered in the Journal on November 22, 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} Northeast Ohio Public Energy Council (NOPEC) is certified to provide competitive retail electric service (CRES) under R.C. 2928.08 and is required to comply with the Commission's minimum CRES standards set forth in Ohio Adm.Code Chapter 4901:1-1-21. As such, NOPEC is subject to the jurisdiction of this Commission.

{¶ 3} On October 20, 2022, Steven G. Pastor (Complainant) filed a complaint against NOPEC, alleging, among other things, that NOPEC has refused to respond to Complainant's requests for an explanation of the timing of NOPEC's decision, announced in an August 24, 2022 notice filed with the Commission, to return all of NOPEC's Standard Program Price customers to the standard service offer (SSO) of their respective electric service providers. Complainant also alleges that, despite this notice, he is still paying NOPEC's rates, which are higher than the SSO rates of his original electric service supplier.

{¶ 4} On November 10, 2022, NOPEC filed its answer, in which it admits some and denies others of the allegations of the complaint and sets forth several affirmative defenses.

In its answer, NOPEC specifically denies that Complainant is still paying NOPEC rates as of October 2022, indicating that Complainant's electric generation supply was returned to the SSO after the billing period which covered August 24, 2022 through September 23, 2022.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for December 15, 2022, at 11:00 a.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the building lobby desk and then proceed to the 11th floor to participate in, or attend, the settlement conference.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference. All parties participating the conference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 8} As is the case in all Commission complaint proceedings, 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for December 15, 2022, at 11:00 a.m., as indicated 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

GAP/dmh

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11/22/2022 2:57:40 PM

in

Case No(s). 22-0981-EL-CSS

Summary: Attorney Examiner Entry that a settlement conference shall be scheduled for December 15, 2022, at 11:00 a.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio