

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
EDWARD GALEWOOD,

COMPLAINANT,

CASE NO. 21-913-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

## ENTRY

Entered in the Journal on November 30, 2022

### I. SUMMARY

{¶ 1} The Commission grants the request of Edward Galewood to dismiss the complaint without prejudice.

### 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} Ohio Edison Company (Respondent or Company) is a public utility as defined in R.C. 4905.02. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 4} On September 1, 2021, Edward Galewood (Complainant) initiated a complaint against Respondent. Complainant alleges that on August 11, 2021, Respondent's equipment "exploded" and resulted in downed transmission lines that caused damage to Complainant's property. Complainant states that he submitted a claim to Respondent for the damages but that the claim was denied because the Company determined that the power outage was due to lightning.

{¶ 5} Respondent filed its answer on September 21, 2021. In its answer, Respondent admits that it denied Complainant's claim for damages, but otherwise Respondent generally denies or states it is without sufficient knowledge to form a belief as to the other allegations contained in the complaint. The answer also sets forth several affirmative defenses.

{¶ 6} A settlement conference was held on November 29, 2021; however, the parties were unable to settle the matter.

{¶ 7} By Entry issued April 5, 2022, the attorney examiner scheduled an evidentiary hearing to convene on June 21, 2022, at the offices of the Commission.

{¶ 8} On or about June 13, 2022, Complainant contacted the Commission to request that, due to health reasons, the scheduled evidentiary hearing be postponed. Complainant stated that he would like the hearing to be pushed back at least two months.

{¶ 9} By Entry issued June 13, 2022, the attorney examiner rescheduled the evidentiary hearing for September 1, 2022, to be held at the offices of the Commission.

{¶ 10} On July 28, 2022, Respondent filed a motion to modify procedural schedule, explaining that Respondent's lead trial counsel has a scheduling conflict with the September 1, 2022 hearing date.

{¶ 11} On or about August 1, 2022, Complainant contacted the Commission to request that the evidentiary hearing in this case be held via virtual technology. Complainant explained that health issues make it difficult for him to travel to the Commission offices in Columbus for an in-person hearing.

{¶ 12} By Entry issued August 4, 2022, the attorney examiner granted Respondent's motion to modify the procedural schedule and canceled the scheduled evidentiary hearing. This Entry stated that the hearing would be rescheduled via future entry.

{¶ 13} By Entry issued August 26, 2022, the attorney examiner rescheduled the evidentiary hearing for November 9, 2022, and set the hearing to be held via Webex virtual hearing technology.

{¶ 14} On or about November 7, 2022, Complainant contacted the Commission and explained that unforeseen medical issues would not allow him to participate in the hearing scheduled for November 9, 2022.

{¶ 15} By Entry issued November 7, 2022, the attorney examiner canceled the November 9, 2022 evidentiary hearing.

{¶ 16} On or about November 10, 2022, Complainant communicated to the attorney examiner his desire to dismiss the complaint, without prejudice, to allow him to refile the complaint at a later time, if he decides to do so. Complainant explained that, based upon the unforeseen medical issues that have delayed previously scheduled hearings, he is uncertain when he could be available for an evidentiary hearing. Rather than continually scheduling and canceling hearings, Complainant stated that he prefers to dismiss the complaint but retain the ability to file a new complaint once he feels able to fully prosecute his claims.

{¶ 17} Based upon Complainant's voluntary request to dismiss the complaint, and the circumstances under which it was made, the Commission finds that Complainant's request is reasonable and should be granted. The complaint in this case should, therefore, be dismissed without prejudice and the case closed of record. In the event that Complainant elects to pursue these claims at a later date, he will have an opportunity to do so by filing a new formal complaint case with the Commission.

### III. ORDER

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the complaint be dismissed without prejudice, as requested by Complainant. It is, further,

{¶ 20} ORDERED, That this case be dismissed and closed of record. It is, further,

{¶ 21} 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

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**Case No(s). 21-0913-EL-CSS**

Summary: Entry granting the request of Edward Galewood to dismiss the complaint without prejudice. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio