

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
LENUS RENTALS, LLC,

COMPLAINANT,

CASE NO. 22-958-EL-CSS

v.

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on December 16, 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 October 17, 2022, Lenus Rentals, LLC (Lenus or Complainant) filed a complaint against Ohio Edison. The complaint states that Lenus is the owner of eleven apartments and is a customer of Ohio Edison, which Lenus alleges improperly charged Complainant for unrequested service in an attempt to recover costs associated with a prior tenant. Lenus contends that attempting to charge the owner of a rental property for service provided to a tenant is against Commission rules and may be a violation of law. Complainant explains that the period in question is from November 2021 through March 2022 and that Ohio Edison has provided no proof of a service request, billing for the pertinent months, or correspondence with Complainant during that time. Lenus asserts that, despite having a technician inspect the service address (Apt. 204) and confirm with the property manager that the tenant was legitimate, Respondent refused to provide service to the tenant at Apt. 204 in July of 2022. Lenus alleges that Ohio Edison pressured and required

the property manager to put service in Complainant's name before transferring it to the tenant. Lenus maintains that this action was an unreasonable misuse of power by Ohio Edison that resulted in Complainant being billed for approximately four months of service Lenus did not request and should not be responsible for. Continuing, Lenus states that Respondent has refused to provide past invoices for Apt. 204. Complainant believes, however, that service has been active at Apt. 204 for some time despite no account being billed and that Ohio Edison only realized its mistake when the new tenant sought service at that address. Finally, Lenus alleges that Ohio Edison turned the account over to a debt collector although no past due invoices have been sent, the invoice is under investigation, and Lenus has other accounts that remain current. Lenus charges that Ohio Edison used unreasonable and deceitful practices to cover up Respondent's own negligence and mismanagement and has turned the account over to collection as a retaliatory tactic.

{¶ 4} Lenus requests that the Commission require Ohio Edison to provide proof of the request for service, the date service was requested, and the invoices sent to Complainant for each month for the service address in question, as well as the entire voice recording of the July 28, 2022 conversation between Ohio Edison and the property manager. Complainant also seeks copies of all invoices for Apt. 204 from the time Lenus assumed ownership of the property—November 2019 to the present—which would allow Complainant to ascertain both the power usage for each month and who Ohio Edison has been billing. Lenus further requests that the Commission instruct Respondent to explain the allegedly improper billing process and what corrective action is in place to prevent recurrence. Finally, Lenus requests that the Commission order Respondent to clear the account in question, have the debt collector cease and desist activity, and reimburse Complainant for any reputational damage incurred to its credit rating.

{¶ 5} On November 7, 2022, Ohio Edison filed an answer in which it admits that Lenus is a customer but disavows knowledge of the number of apartments Complainant owns. Respondent avers that, on July 28, 2022, Lenus's Vice President, Jason Griffith, called Ohio Edison and informed Respondent that Lenus would be responsible for all electricity

used on the subject premises between November 22, 2019, through March 1, 2022. Further answering, Respondent denies that it pressured Complainant to assume responsibility for the consumption from that period as a condition of establishing service for a new tenant. Ohio Edison admits that prior to July 28, 2022, the meter had been active without an associated account since at least December 2021, but denies that it has refused to provide invoices for Apt. 204. Continuing, Ohio Edison admits that Mr. Griffith called Ohio Edison to assist a new tenant to turn power on to her apartment on July 28, 2022, but denies that Mr. Griffith called as a representative of Lenus. Respondent restates that Mr. Griffith, on behalf of Lenus, assumed responsibility for the consumption at the service address from November 22, 2019 through March 1, 2022, but denies that the assumption of that responsibility was a condition to Ohio Edison providing service to the tenant. Ohio Edison additionally admits that the account was sent to collections prior to the filing of the complaint but avers that it has been withdrawn from collections and a dunning lock has been applied. Ohio Edison denies all other allegations.

{¶ 6} In closing, Respondent's answer asserts several affirmative defenses, including failure to set forth reasonable grounds for complaint, failure to state a claim upon which relief can be granted, alleged compliance with applicable statutes, rules, and regulations, and lack of jurisdiction to award the requested relief. Finally, pursuant to Ohio Adm.Code 4901-1-08(A), Respondent submits that Complainant must be represented by an attorney at law.

{¶ 7} Consistent with the Commission's policy to encourage settlement discussions in complaint proceedings, 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 of the complaint. As described in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 8} Accordingly, a settlement conference shall be scheduled for January 25, 2023, at 10:00 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 attend and participate in the conference. If it becomes apparent that settlement is unlikely to be reached at the conference, the parties should be prepared to discuss procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 9} 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 in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. Additionally, the parties should bring any relevant documents that support the issues raised in the complaint, or the answer, to facilitate settlement negotiations.

{¶ 10} 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be held on January 25, 2023, at 10:00 a.m., as stated in Paragraph 8. It is, further,

{¶ 13} 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

MJA/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0958-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference be held on January 25, 2023, at 10:00 a.m. electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission