

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
THOMAS V. RAPINI,

COMPLAINANT,

v.

CASE NO. 22-1062-EL-CSS

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,

RESPONDENT.

## ENTRY

Entered in the Journal on December 21, 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} Respondent, The Cleveland Electric Illuminating Company (CEI, or the Company) is an electric light company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. As such, CEI is subject to the jurisdiction of this Commission.

{¶ 3} On November 16, 2022, Thomas V. Rapini (Complainant) filed a complaint against CEI. Claiming to be a net meter customer of CEI with a renewable energy site, Complainant alleges that CEI seeks to replace his current mechanical electric service meter with a digital bi-directional meter. According to Complainant, CEI has claimed that Complainant's current meter is not a bi-directional meter and, as such, presents a safety issue. Complainant disputes both claims and wishes to keep his existing meter. Although Complainant admits that his current meter "does not register the flow of electricity in both directions, instead registering only a 'net' electricity flow," he contends that "[t]he fact that the meter does not provide CEI with electricity outflow data is the entire reason" he wishes to retain his existing meter. The complaint indicates that, in bringing this case, Complainant

seeks to obtain one of three proposed outcomes, namely: (1) that Complainant should be allowed, on his account with CEI, to retain a mechanical bi-directional meter that does not record outflow of electricity generated by Complainant's renewable energy system; (2) that the meter replacement proposed by CEI should proceed, conditioned on a formal commitment by CEI to not reduce the compensation amount for electricity outflow on Complainant's account; or (3) that the meter replacement proposed by CEI should proceed, conditioned on a formal commitment by CEI to convert Complainant's account to an annual billing cycle, which would occur in March of each year and be based only on annual net use/production of electricity at Complainant's renewable energy site.

{¶ 4} On December 6, 2022, CEI filed its answer, in which it admits some and denies others of the allegations of the complaint and sets forth several affirmative defenses. Specifically, CEI admits that it seeks to replace Complainant's meter with a bi-directional meter. CEI submits that Complainant's existing meter does not register the flow of electricity in each direction, as required by the Ohio Administrative Code, an interconnection agreement signed by Complainant, and CEI's tariff. Additionally, CEI submits that Complainant's meter poses a safety hazard to CEI's distribution system.

{¶ 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 January 13, 2023, 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 January 13, 2023, 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

MJA/hac

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**12/21/2022 9:42:00 AM**

**in**

**Case No(s). 22-1062-EL-CSS**

Summary: Attorney Examiner Entry ordering that a settlement conference shall be scheduled for January 13, 2023, at 11:00 a.m. electronically filed by Heather A. Chilcote on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio