

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
BLUE ACRES LLC,**

**COMPLAINANT,**

**CASE NO. 22-1088-EL-CSS**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on January 13, 2023

{¶ 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) 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 22, 2022, Blue Acres LLC (Complainant), by its agent Mario D. Blue, filed a complaint alleging that CEI is falsely claiming that Complainant failed to make payments on two electric service accounts which Complainant has with CEI – the first having an account number ending in 3395, and the second with an account number ending in 3403.

{¶ 4} On December 12, 2022, CEI filed its answer in which it admits some and denies others of the complaint's allegations, provides its own allegations of fact, and sets forth several affirmative defenses. Among other things, CEI admits that Complainant is a CEI customer at the two service accounts mentioned in the complaint, avers that Complainant

is past due on both accounts, and posits that on several occasions Complainant made payments which were later returned by Complainant's bank and therefore were not paid.

{¶ 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 26, 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 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 26, 2023, at 10:00 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/dmh

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

**Case No(s). 22-1088-EL-CSS**

Summary: Attorney Examiner Entry that a settlement conference shall be scheduled for January 26, 2023, at 10:00 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