

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LLOYD E. JACKSON,**

CASE No. 22-193-EL-CSS

COMPLAINANT,

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

OPINION AND ORDER

Entered in the Journal on February 22, 2023

I. SUMMARY

{¶ 1} The Commission finds that Complainant has not met his burden of proof to demonstrate that The Cleveland Electric Illuminating Company billed Complainant incorrectly for his electric usage from April 2020 to August 2021.

II. PROCEDURAL BACKGROUND

{¶ 1} On March 14, 2022, Lloyd Jackson (Mr. Jackson or Complainant) filed a complaint against SmartEnergy and The Cleveland Electric Illuminating Company (CEI). Complainant contends that the estimated amount of utility charges and late fees of \$476 for 17 months, starting in September 2021, is invalid and inaccurate.

{¶ 2} SmartEnergy filed its answer and request to dismiss on April 4, 2022. SmartEnergy stated that it entered into a settlement with Complainant that resolved the matter. SmartEnergy requests to dismiss the complaint with prejudice to the extent the complaint contains allegations against SmartEnergy.

{¶ 3} CEI filed its answer on April 1, 2022. CEI admits that Mr. Jackson is a customer. CEI stated that, because of COVID-19, estimated meter readings occurred at Complainant's address from April 2020 until an actual meter read on August 27, 2021,

at which time Complainant's prior estimated readings were reconciled. Mr. Jackson was billed for the reconciled amount. CEI stated that there were no signs of this process causing Complainant to overpay for his services because of inaccurate billing.

{¶ 4} In a May 13, 2022 Entry, the attorney examiner directed Complainant to file a letter, no later than May 31, 2022, regarding whether he considered the matter resolved with SmartEnergy and if he wished to proceed with the complaint against CEI. Mr. Jackson filed a letter on June 1, 2022, stating that he did not consider the matter resolved against CEI only.

{¶ 5} An Entry was issued on June 22, 2022 scheduling an evidentiary hearing for August 22, 2022. The attorney examiner also noted that Mr. Jackson's complaint against SmartEnergy was presumed to have been resolved. Complainant did not file any documentation to refute this presumption and SmartEnergy did not participate in this proceeding beyond the filing of its answer and motion to dismiss on April 4, 2022. As such, the Commission grants SmartEnergy's motion to dismiss and dismisses it as a party to this proceeding, pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 6} During the evidentiary hearing on August 22, 2022, the attorney examiner explained that the Complainant was unable to attend the evidentiary hearing and that ADA accommodations could be required.

{¶ 7} On August 29, 2022, Complainant filed a request for a virtual hearing.

{¶ 8} On September 16, 2022, the attorney examiner scheduled an evidentiary hearing for the matter on September 29, 2022 to be held virtually.

{¶ 9} Both remaining parties, Complainant and CEI, participated in the hearing on September 29, 2022.

{¶ 10} CEI filed its brief on November 10, 2022. Complainant did not file a brief.

III. DISCUSSION

A. *Applicable Law*

{¶ 11} R.C. 4905.22 provides that every public utility shall furnish service and facilities that are adequate, just, and reasonable, and that all charges made or demanded for any service be just, reasonable, and not more than allowed by law or by order of the Commission.

{¶ 12} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint 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.

{¶ 13} CEI is public utility as defined in R.C. 4905.02, and, as such, CEI is subject to the jurisdiction of this Commission.

{¶ 14} In complaint proceedings, the burden of proof lies with the complainant. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966). Therefore, in cases such as this, it is the responsibility of the complainant to present evidence in support of the allegations made in the complaint.

B. *Summary of the Evidence*

1. COMPLAINANT'S TESTIMONY

{¶ 15} Mr. Jackson testified that, upon receiving his CEI bills for a 17-month period starting on April 2020 to September 2021, he believes the bill's usage estimates were too high (Tr. at 6). Specifically, Mr. Jackson clarified that he is disputing his September 2021 bill for \$476. He also understood that the \$476 amount covered the underestimation from the April 2020 bills to September 2021. Upon being told by CEI, Mr. Jackson acknowledged during hearing that the Commission asked all utilities to

suspend in-person actual meter readings where the meter is located in a customer's home due to the COVID-19 pandemic. However, Complainant disagrees that the estimated readings were taken because an actual reading could not be taken of his meter. (Tr. at 11.) During cross-examination, Mr. Jackson disputed that his usage was approximately the following: January 2020 usage was 625 kilowatt-hours (kWh); February 2020 usage was 819 kWh; and March 2020 usage was 846 kWh (Tr. at 21). Further, Mr. Jackson disputed CEI's records that indicated an actual reading of 21,997 kWh on February 27, 2020. Complainant affirmed that he does not agree with anything that was estimated by the Company. (Tr. at 32.) Complainant agreed that CEI's records during hearing showed that his meter progressed from an initial reading of 21,997 kWh in February of 2020 to 28,299 kWh as of August 27, 2021 (Tr. at 33). Mr. Jackson recognized that he called the Company upon realizing his bill was \$476 but stated that he was unaware that his meter was removed and tested on September 19, 2021 (Tr. at 34). Moreover, Complainant said that he did not know that his meter tested for 99.99 percent accuracy during CEI's meter testing (Tr. at 34). Lastly, Mr. Jackson emphasized that the Company did not have proof that he was not using the electric as demonstrated by their introduced exhibits and cross-examination (Tr. at 35).

2. TESTIMONY ON BEHALF OF CEI

{¶ 16} Princess Davis (Ms. Davis or Davis), Advanced Customer Services Compliance Specialist, testified on behalf of CEI. In her pre-filed testimony, Davis explained that Mr. Jackson was disputing an amount of \$366.60, which included late fees. Davis said that with respect to Mr. Jackson's address, and as with many customers, during the first sixteen months of the COVID-19 pandemic, his meter reads were done by estimation and then reconciled with an actual reading taken in August 2021. Witness Davis noted that for most April 2020 through August 2021 billings, the meter reads were estimated. (CEI Ex. 3 at 4.)

{¶ 17} Ms. Davis testified that when CEI cannot obtain an actual reading of a meter, an algorithm is used to estimate usage that is based in part on historical usage by the customer. Witness Davis explained that meters still record actual usage, so when an actual read is obtained from them, this is used to reconcile the estimated reads. Moreover, Davis noted that on each bill, CEI provides a customer the ability to provide their own read of the meter. Ms. Davis stated that when a customer's meter is read after an estimate, any difference between the estimation and the customer's actual usage is automatically corrected. If the estimated readings were too low in accounting for the customer's usage, the difference between the estimated usage and the actual usage is added to the customer's next bill. When the estimate is too high, the customer is credited on their next bill for the additional amount the customer paid over their actual electricity consumption. (CEI Ex. 3 at 5.)

{¶ 18} Ms. Davis testified during hearing that Mr. Jackson's billing usage statement indicated that his January 2020 usage was 625 kWh; February 2020 usage was 819 kWh; and March 2020 usage was 846 kWh.¹ She confirmed that all three of these readings were actual meter reads. Davis also noted that an actual meter read on February 27, 2020 showed 21, 997 kWh for Mr. Jackson, and the next actual meter read was not until August 27, 2021, which read 28, 299 kWh. (Tr. at 41-42.) Davis articulated that during the period of March 2020 through August 2021, the Company did not know Mr. Jackson's actual usage, and it was in August 2021 that CEI reconciled the usage. Davis explained that during this estimated time, there could have been months in which CEI overestimated and Complainant was billed for more usage. However, witness Davis stated that during the months that Mr. Jackson would have been underestimated, CEI reconciled that when it received an actual reading in August 2021. (Tr. at 47.)

¹ Given how electric billing statement and meter readings process, Mr. Jackson's January, February, and March 2020 billing statements reflect the actual meter readings made the month prior to the billing month. For example, Mr. Jackson's March 2020 billing statement for an actual read of 846 kWh would have accounted for February 2020's usage.

{¶ 19} Ms. Davis testified that the actual reading showed Complainant's actual electricity consumption had been underestimated which resulted in a larger billing when the actual reading was obtained, as the billing reconciled the actual usage compared to the estimated usage. Davis stated that CEI obtained a check reading on September 14, 2021, of 28,382, which showed progression on the meter from the August 27, 2021 reading. Ms. Davis asserted that the meter's results, indicating that it was performing with a 99.99 percent accuracy, were mailed to Mr. Jackson. (CEI Ex. 3 at 6.) Further, Ms. Davis testified that the meter was performing within the Commission's plus or minus two percent threshold requirement for meter accuracy. In her professional opinion, witness Davis confirmed that she thought Mr. Jackson's estimated and actual meter reads were accurate, and he was charged for actual usage. She added that the Company offered an arrangement for monthly payments, but Complainant declined alternative payment plans. (CEI Ex. 3 at 7-8).

C. Post-Hearing Briefs

{¶ 20} In its post-hearing brief, CEI argues that Mr. Jackson failed to meet his burden pursuant to R.C. 4905.26 because he cannot prove the Company's bills were unjustly or unreasonably excessive.

{¶ 21} First, CEI argues that the meter servicing the property was tested and determined to be within the Commission's established accuracy parameters. Witness Davis testified that Mr. Jackson contacted the Company in September 2021 regarding his perceived high electrical consumption. CEI states that after completing a check reading on September 14, 2021, Mr. Jackson requested that CEI remove and test his meter, which the Company did on September 20, 2021. The Company also replaced Complainant's meter. CEI presents that the old meter was sent to the CEI meter lab for testing and the Company indicates that the test determined the meter was working within the Commission's accuracy thresholds with a 99 percent accuracy. CEI asserts that the test results were also mailed to Mr. Jackson. Witness Davis confirmed that the

Commission inspects CEI's meter lab on an annual basis to ensure that it is compliant with Commission rules. Lastly, the Company claims that Mr. Jackson introduced no testimony or evidence that contradicts CEI's findings that his original meter was 99.99 percent accurate. (CEI Ex. 3 at 6; CEI Br. at 5-6.)

{¶ 22} Next, the Company argues that Complainant failed to meet his burden of demonstrating that his meter did not accurately record his consumption. CEI notes that during the hearing, Complainant concedes that he had no proof that his usage was anything other than what CEI calculated. The Company asserts that the record shows that there were two actual meter readings that "bookend" the disputed time frame, which were made on February 27, 2020 and August 27, 2021. The Company states that the two actual meter readings referenced during the evidentiary hearing are undisputed and that Complainant has not offered any evidence to dispute the amount of kWh his meter progressed from February 27, 2020 to August 27, 2021. (CEI Br. at 6-7.)

{¶ 23} Lastly, CEI explains that the record demonstrates a plausible explanation for Mr. Jackson's electric usage. The Company emphasizes that despite Complainant's assertions that CEI incorrectly trued up his electric bill for his actual usage between February 27, 2020 and August 27, 2021, the records that were admitted into evidence during the hearing and witness Davis's own testimony demonstrate that the Company correctly reconciled the estimated readings with the actual reading. The Company indicates that even though Mr. Jackson testified that he "doesn't care what the records say" and the "[records] can say anything," he presented no admissible evidence to contradict the Company's records of his electrical usage. CEI infers that the only evidence Complainant relies upon are his multiple assertions that he believes the estimations and CEI's reconciliation of his estimated readings with the actual usage recorded was improper. CEI declares that Complainant not only failed to prove his meter failed to accurately capture his electric usage, but that CEI also set forth plausible explanations for the underestimation in Mr. Jackson's usage. (Tr. at 28; CEI Br. at 7-8.)

D. Commission Conclusion

{¶ 24} The Commission finds that Mr. Jackson did not meet his burden of proving that he was billed incorrectly from April 2020 to September 2021. This is not a novel issue before the Commission. The Commission has considered similar cases in which a complainant has alleged that their electric meter showed excessive usage which could only be explained by an equipment malfunction. See, e.g., *In re the Complaint of Merle Davis v. The Cleveland Elec. Illum. Co.*, Case No. 81-1495-EL-CSS, Opinion and Order (Nov. 1, 1983), Entry on Rehearing (Dec. 19, 1983). As in the instant case, the company's evidence in *Davis* showed that the meter had been tested as accurate to Commission standards. However, although the Commission noted that the evidence provided by the utility's test as to the accuracy of the meter is strong, the weight accorded to such testimony is not a constant but rather is determined on a case-by-case basis. The reliability of meter tests in a "high billing" proceeding is always subject to attack and will not be summarily accepted on its face. Instead, in *Davis*, the Commission stated that it would continue to look to extraneous circumstances presented on a case-by-case basis in order to determine the weight accorded to meter test evidence. *Davis*, Opinion and Order (Nov. 1, 1983) at 4. As a result, a complainant may attempt to overcome the evidence presented by the meter test by showing conservation measures or other usage inconsistent with the amount which is billed. The company may attempt to confirm the meter test evidence by presenting a plausible explanation as to how the contested usage may have occurred. See also *In re the Complaint of NewGen Legacy Properties Services v. The Cleveland Elec. Illum. Co.*, Case No. 19-2092-EL-CSS, Opinion and Order (Feb. 8, 2023); *In re the Complaint of John and Billie Taylor v. Columbus and S. Ohio Elec. Co.*, Case No. 84-762-EL-CSS, Opinion and Order (Apr. 3, 1985); *In re the Complaint of Giovanni DiSiena v. The Cleveland Elec. Illum. Co.*, Case No. 09-947-EL-CSS, Entry (Dec. 8, 2010).

{¶ 25} Complainant disputed a majority of the calculated usage presented by CEI several times during the hearing, arguing that CEI's records could "say anything" (Tr. at 28). CEI presented evidence that, due to the state of emergency declared by the governor regarding the COVID19 pandemic and the Commission's directive for utilities to cease in-person meter readings if the meters were in customers' homes, Mr. Jackson's electrical usage was estimated from April 2020 until August 27, 2021, when the Company performed an actual reading. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 20, 2020). CEI stated that Complainant's estimated usage was automatically reconciled with his actual reading in August 2021. Further, the disputed bill of \$366.60,² was a combination of late fees and the reconciled difference due to the prolonged estimated readings (CEI Ex. 1; CEI Ex. 2; CEI Ex. 3). We note that upon reviewing his September 2021 bill, Mr. Jackson contacted CEI and as a result, his meter was removed for testing and was replaced. CEI confirmed that the original meter was tested at a facility in compliance with Commission rules and that the test showed the meter was operating with 99.99 percent accuracy, well within the Commission's required accuracy threshold for meters. Ohio Adm.Code 4901:1-10-05. Complainant failed to provide any evidence to dispute CEI's testing of Complainant's meter.

{¶ 26} Similarly, Complainant did not present any evidence to demonstrate that the actual meter readings taken on February 27, 2020, and August 27, 2021 were incorrect, or that the estimated amounts were not consistent with Complainant's historical usage (CEI Ex. 2). In fact, the only response provided by Mr. Jackson in rebuttal to the electrical usage levels as presented by CEI was his statement that the Company did not have any proof that someone else was not using his electricity (Tr. at

² While Mr. Jackson alleges that the disputed portion of the bill is \$476, based on Ms. Davis's prefiled testimony and other evidence on record, we concur the amount actually in dispute is \$366.60.

33-34.) However, Mr. Jackson did not present any evidence as to the credibility of such a claim. We find that Mr. Jackson did not provide any admissible or relevant evidence outside of his own testimony to dispute CEI's evidence and testimony presented during the hearing. Therefore, by the preponderance of evidence, we determine that Complainant did not demonstrate that his bills were unreasonably excessive due to a meter malfunction.

{¶ 27} Further, we find that CEI has provided a satisfactory plausible explanation to the increased bill from September 2021. As CEI explained, the Commission directed all regulated utilities to cease in-person meter readings during the COVID-19 pandemic if such meters were located inside a customer's residence. CEI confirmed that Mr. Jackson's meter readings were all estimated for the period of March 2020 to August 2021 and that the disputed September 2021 bill reflected a reconciliation of the August 27, 2021 actual meter reading with the estimated readings. Moreover, we note that the Company attempted to establish an alternative payment plan to assist Complainant, but that option was refused. The Commission is convinced that CEI offered an appropriate and plausible explanation for Mr. Jackson's concerns by presenting expert testimony that demonstrated that his increased September 2021 bill was due to a reconciliation of actual readings with estimated readings. Further, we again note that these estimated readings took place during the COVID-19 pandemic, in which no utilities were permitted to take in-person, actual meter readings for customers with meters located inside their residences. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 20, 2020).³

³ This emergency directive was lifted until July 28, 2021, allowing CEI to take the actual meter read on August 27, 2021. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (July 28, 2021).

{¶ 28} Therefore, lacking evidence that there was an increase in electricity usage in CEI's control, or that CEI failed to comply with statutory or regulatory requirements, the Commission cannot conclude that CEI has rendered inadequate service pursuant to R.C. 4905.22. Given our findings, we encourage CEI to work with Mr. Jackson on an amenable payment plan for the disputed \$366.60 to be paid in equal installments over the next 11 months, at a minimum, which represents the number of months this case has been pending before the Commission.

{¶ 29} As a final matter, on November 10, 2022, CEI filed a motion for protective order, seeking to protect certain confidential information contained in the Company's initial brief filed for the Commission's consideration in this case. Specifically, CEI asserts that its initial brief contains the Complainant's electric consumption history. CEI states that the identified information constitutes customer-specific information that is prohibited from disclosure under Ohio Adm.Code 4901:1-10-24(E).

{¶ 30} Ohio Adm.Code 4901-1-24 allows the Commission to issue an order to protect the confidentiality of information contained in a filed document, "to the extent that state or federal law prohibits release of the information, including where the information is deemed *** to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code."

{¶ 31} Ohio law defines a trade secret as "information *** that satisfies both of the following: (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy." R.C. 1333.61(D).

{¶ 32} The Commission has reviewed the information that is the subject of CEI's motion for protective order, as well as the assertions set forth in the supportive memorandum. We note that during the course of the evidentiary hearing, the parties freely discussed Mr. Jackson's usage on the public transcript (Tr. at 32-33, 40-42, 47-50). Mr. Jackson voluntarily engaged in these discussions and at no time did CEI or Mr. Jackson move for confidential treatment of the two exhibits discussed on the record (CEI Ex. 1; CEI Ex. 2). The transcript from the evidentiary hearing has been publicly filed in the docket for approximately four months. In similar cases, the Commission has found that protective treatment is not warranted where the customer-specific information has already been publicly disclosed, especially when the complainant has effectively waived protective treatment by citing to the information in pleadings or the public transcript, thus, availing himself to a more transparent disposition of his case. *In re the Complaint of Doug Mink v. Duke Energy Ohio, Inc.*, Case No. 19-1305-EL-CSS, Opinion and Order (July 15, 2020) at ¶¶ 13-16. Thus, we find that the motion for protective order should be denied as moot and that the Commission's docketing division should release into the public record the unredacted version of CEI's post-hearing brief filed under seal on November 10, 2022. Further, we note that CEI Exhibit 1 and CEI Exhibit 2 do not appear to have been filed in the docket following the evidentiary hearing, despite being marked and admitted into the record. As such, CEI Exhibits 1, 2, and 3 have been attached to this Opinion and Order to ensure the record is complete.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 33} On March 14, 2022, Lloyd Jackson filed a complaint against CEI alleging that CEI's billing was unjustly and unreasonably excessive.

{¶ 34} On April 1, 2022, CEI filed its answer to the complaint in which it admits some and denies others of the complaint's allegations and sets forth several affirmative defenses.

{¶ 35} An evidentiary hearing was held on September 29, 2022.

{¶ 36} As is the case in all Commission complaint proceedings, Complainant had 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).

{¶ 37} Complainant did not meet his burden of proving that CEI incorrectly billed him for service from April 2020 to September 2021. Therefore, there is insufficient evidence to support a finding that CEI rendered inadequate service pursuant to R.C. 4905.22.

V. ORDER

{¶ 38} It is, therefore,

{¶ 39} ORDERED, That this matter be decided in favor of CEI, as Complainant has failed to sustain his evidentiary burden of proof. It is, further,

{¶ 40} ORDERED, That CEI's motion for protective order be denied and that the Commission's docketing division release into the public record the unredacted version of CEI's post-hearing brief filed under seal on November 10, 2022. It is, further,

{¶ 41} ORDERED, That a copy of this Opinion and Order be served upon CEI and Complainant.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Lawrence K. Friedeman
Dennis P. Deters

IMM/dr

Messages (Continued)

Explanation of Terms

<p>Bypassable Generation and Transmission Related Component Charges for purchasing power and delivering it through the transmission system. These charges are avoided when switching to a Certified Retail Electric Service provider.</p> <p>Cost Recovery Charges Recovers previously incurred costs, including PUCO-approved Phase-In Recovery Charges CEI collects from all customers on behalf of CEI Funding, LLC which owns the right to impose and collect such charges.</p> <p>Customer Charge Monthly charge that offsets costs for billing, meter reading, equipment, and service line maintenance.</p> <p>Distribution Related Component Charge for moving electricity over distribution lines to a service location.</p> <p>Economic Development Component Charges related to economic development support.</p>	<p>Estimated Reading On the months we do not read a meter, we calculate the bill based on past electrical usage.</p> <p>KWH (Kilowatt Hour) A unit of measure for electricity usage equal to 1,000 watts used for one hour.</p> <p>Late Payment Charge A charge added to the bill on balances owed after the Due Date.</p> <p>Price to Compare (PTC) The utility's price per KWH for bypassable generation and transmission; can be compared with the price offered by another supplier.</p> <p>Residential Distribution Credit A distribution credit for a qualifying rate applied to all usage over 500 KWH during the winter billing period.</p> <p>Residential Non Standard Credit A generation credit for a qualifying rate applied to all usage over 500 KWH during the winter billing period.</p>
--	--

Important Information

If you have billing questions or complaints about your Illuminating Company account or for a written explanation of the Price to Compare

Call Customer Service at 1-800-589-3101 Monday - Friday, from 8 a.m. - 6 p.m.

Call Payment Options at 1-800-686-9901 Monday - Friday, from 8 a.m. - 6 p.m.

Visit our website at <http://www.firstenergycorp.com>

Write to us at The Illuminating Company, 76 S. Main St., A-RPC, Akron, OH 44308-1890.

Customers with hearing or speech impairments can contact the Telecommunications Relay Service (TRS) at 711.

We welcome the opportunity to work with you and will try to answer your questions. If your complaint is not resolved after you have called your electric utility, or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from 8 a.m. to 5 p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll-free) from 8 a.m. to 5 p.m. weekdays, or at <http://www.pickocc.org>.

For Energy Assistance: Contact the Home Energy Assistance Program (HEAP) at 1-800-282-0880 (TDD/TTY 1-800-686-1557) Monday - Friday between 8 a.m. and 5 p.m.

For your protection, all of our employees wear Photo I.D. badges.

Electronic Check Conversion Your check authorizes us either to make a one-time electronic funds transfer (EFT) from your account or process as a check. If you have questions about this program, call 1-866-283-8081.

To provide a customer meter reading, use the dials provided and enter the reading on-line at www.firstenergycorp.com/aboutyourbill or by calling 1-800-589-3101. Say "Meter Reading" when asked "Which of these can I help you with today?" Have the date you took the reading available.

Provide reading by telephone or on-line only DO NOT MAIL



Draw hands on the dials exactly as they appear on your electric meter. When reading your meter, if the hand falls between two numbers, always report the lower number.

If you have a DIGITAL METER write the numbers here



DETAILED STATEMENT OF ACCOUNT

Customer Name: LLOYD JACKSON

Account Number: XXXXXXXXXX

Service Address:
24455 LAKE SHORE BLVD APT 1815
EUCLID OH 44123

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
Supplier Switch Cleveland Electric Co to SmartEnergy on 03/26/2020.																
03/28/20	03/26/20	KWH	22,327	330	28	12	Est	43.35	0.00	43.35		04/14/20				43.35
04/13/20													-43.35			0.00
04/30/20	04/27/20	KWH	22,597	270	32	8	Est	22.82	15.39	38.21		05/18/20				38.21
05/18/20													-38.21			0.00
05/30/20	05/28/20	KWH	22,742	145	31	5	Est	14.82	8.27	23.09		06/16/20				23.09
06/12/20													-23.09			0.00
06/30/20	06/26/20	KWH	22,817	75	29	3	Est	10.35	4.28	14.63		07/16/20				14.63
07/14/20													-14.63			0.00
07/30/20	07/28/20	KWH	22,921	104	32	3	Est	13.18	5.93	19.11		08/17/20				19.11
08/17/20													-19.11			0.00
08/29/20	08/27/20	KWH	23,017	96	30	3	Est	12.80	5.47	18.27		09/15/20				18.27
09/16/20													-18.27			0.00
09/30/20	09/28/20	KWH	23,121	104	32	3	Est	13.72	5.93	19.65		10/16/20				19.65
10/16/20													-19.65			0.00
10/31/20	10/28/20	KWH	23,274	153	30	5	Est	17.96	12.39	30.35		11/17/20				30.35
11/16/20													-30.35			0.00
12/02/20	11/30/20	KWH	23,574	300	33	9	Est	28.56	25.50	54.06		12/18/20				54.06
12/21/20													-54.06			0.00
01/02/21	12/29/20	KWH	24,088	514	29	18	Est	43.16	43.18	86.34		01/19/21				86.34
01/15/21													-86.34			0.00
02/02/21	01/28/21	KWH	24,659	571	30	19	Est	46.14	46.25	92.39		02/18/21				92.39
02/19/21													-92.39			0.00
03/02/21	03/01/21	KWH	25,440	781	32	24	Est	57.42	71.07	128.49		03/18/21				128.49
03/17/21													-128.49			0.00
04/03/21	03/30/21	KWH	25,792	352	29	12	Est	32.40	32.03	64.43		04/20/21				64.43
04/12/21													-64.43			0.00
05/01/21	04/27/21	KWH	25,973	181	28	6	Est	20.22	16.47	36.69		05/18/21				36.69
05/11/21													-36.69			0.00

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
06/02/21	05/27/21	KWH	26,075	102	30	3	Est	14.47	9.28	23.75		06/18/21				23.75
06/11/21													-23.75			0.00
07/10/21	06/29/21	KWH	26,145	70	33	2	Est	12.18	7.28	19.46		07/27/21				19.46
07/21/21													-19.46			0.00
07/31/21	07/28/21	KWH	26,232	87	29	3	Est	13.95	9.05	23.00		08/17/21				23.00
08/10/21													-23.00			0.00
09/01/21	08/27/21	KWH	28,299	2,067	30	69	Act	120.97	214.97	335.94		09/17/21				335.94
								Meter [REDACTED] removed on 09/19/2021.								
								Meter [REDACTED] installed on 09/20/2021.								
								Supplier Switch SmartEnergy to Cleveland Electric Co on 09/27/2021.								
09/29/21	09/19/21	KWH	28,407	108	23	5	Act	18.50	21.62	40.12		10/15/21				376.06
	09/27/21	KWH	51	51	8	6	Act	0.00	0.00	0.00						
10/14/21													-40.12			335.94
10/27/21	10/27/21	KWH	204	153	30	5	Est	27.18	0.00	27.18		11/12/21		5.04	LPC	368.16
11/10/21													-32.22			335.94
11/27/21	11/27/21	KWH	361	157	31	5	Est	27.79	0.00	27.79		12/14/21		4.96	LPC	368.69
12/13/21													-37.25			331.44
12/28/21	12/28/21	KWH	950	589	31	19	Act	77.05	0.00	77.05		01/13/22		4.82	LPC	413.31
01/20/22													-81.87			331.44
01/26/22	01/26/22	KWH	1,378	428	29	15	Act	29.18	0.00	29.18		02/11/22		5.98	LPC	366.60
02/24/22	02/24/22	KWH	1,884	506	29	17	Act	64.85	0.00	64.85		03/14/22		5.19	LPC	436.64

**BEFORE THE PUBLIC UTILITIES
COMMISSION OF OHIO**

In the Matter of the Complaint of)
Lloyd Jackson,)
)
 Complainant,)
) Case No. 22-0193-EL-CSS
 v.)
)
 The Cleveland Electric,)
 Illuminating Company,)
)
 Respondent.)

**DIRECT TESTIMONY
OF**

Princess Davis

Submitted on behalf of

The Cleveland Electric Illuminating Company

Filed August 15, 2022

1 **Q. PLEASE INTRODUCE YOURSELF.**

2 A. My name is Princess Davis. I am employed by FirstEnergy Service Company as an
3 Advanced Customer Services Compliance Specialist. FirstEnergy Service Company
4 provides corporate support, including customer service, to FirstEnergy Corp.'s regulated
5 public utility subsidiaries. In Ohio, those subsidiaries are Ohio Edison Company, The
6 Cleveland Electric Illuminating Company ("CEI" or "Company") and the Toledo Edison
7 Company.

8 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND WORK**
9 **EXPERIENCE.**

10 A. I received a Bachelor of Science, Criminal Justice degree from Fairmont State University
11 in December 1999, majoring in criminal justice with a minor in psychology. I have worked
12 at either FirstEnergy Service Company or Allegheny Power Company in a customer
13 service capacity for the last 22 years. Beginning in 2010, I was a Business Analyst for
14 Allegheny Power Company. After the merger, I continued in my role for FirstEnergy
15 Service Company, but the job title was changed to Customer Services Compliance
16 Specialist. In May 2021, I was promoted to my current position.

17 **Q. WHAT ARE YOUR CURRENT JOB RESPONSIBILITIES?**

18 A. My job responsibilities include reviewing and responding to complaints made by
19 customers of FirstEnergy Corp.'s regulated public utility subsidiaries to the Public Utilities
20 Commission of Ohio ("Commission") which includes investigating facts and gathering
21 information from subject matter experts. I also have responsibility for reviewing and
22 responding to customer complaints in Maryland and West Virginia. Among other customer

1 service-related duties, I also provide training to new hires and to my peers within
2 FirstEnergy Service Company regarding various state compliance requirements.

3 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?**

4 A. Yes, I have testified multiple times before the Commission, including Case No. 18-0082-
5 EL-CSS on behalf of The Toledo Edison Company; Case Nos. 17-2121-EL-CSS, 18-0785-
6 EL-CSS, 19-1594-EL-CSS, 20-1355-EL-CSS, 21-1017-EL-CSS, 21-0824-EL-CSS and
7 21-0864-EL-CSS, on behalf of CEI; and Case Nos. 18-1734-EL-CSS, 21-0236-EL-CSS,
8 and 21-225-EL-CSS on behalf of Ohio Edison Company.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS CASE?**

10 A. My testimony addresses several aspects of the Complaint filed by Lloyd Jackson regarding
11 the charges to his CEI account. Specifically, my testimony addresses the testing and
12 accuracy of Mr. Jackson's meter, the estimated readings that took place during the ongoing
13 COVID-19 pandemic, and the actual reading of Mr. Jackson's meter which was used to
14 true-up previous readings.

15 **Q. WHAT DID YOU DO TO PREPARE FOR YOUR TESTIMONY IN THIS
16 PROCEEDING?**

17 A. I reviewed the Complaint submitted by Mr. Jackson. I also reviewed business records
18 related to this case maintained and preserved within FirstEnergy's systems and my own
19 personal notes, emails, and records. These records, all of which were kept in the course of
20 regularly conducted business activity, include customer contact notes and maintenance
21 records. It is the regular practice of the Company to make and preserve these business
22 records, and I rely upon such documents in accordance with my duties at CEI.

1 **Q. YOU MENTIONED THAT YOU REVIEWED THE COMPLAINT IN THIS**
2 **MATTER. WHAT IS YOUR UNDERSTANDING OF MR. JACKSON’S**
3 **COMPLAINT?**

4 A. Mr. Jackson’s complaint generally disputes charges, including late fees, from the
5 seventeen-month period beginning in April 2020 and ending in September of 2021. Mr.
6 Jackson claims the outstanding charges—which he states total \$476.00, but in actuality
7 total \$366.60—are inaccurate.

8 **Q. DOES MR. JACKSON SHOP FOR HIS ELECTRICITY?**

9 A. No, Mr. Jackson takes default service from his utility, CEI.

10 **Q. HOW DOES CEI CALCULATE ITS ELECTRICITY CHARGES?**

11 A. CEI calculates monthly bills based on the default price for the standard service offer times
12 the usage, in kilowatt-hours (kWh) of the customer’s meter. CEI reads its meters on a
13 monthly basis to calculate those charges based on usage.

14 **Q. WAS MR. JACKSON’S METER READ ON A REGULAR BASIS FOR THE**
15 **SEVENTEEN MONTH PERIOD MENTIONED IN HIS COMPLAINT?**

16 A. Yes. However, with respect to Mr. Jackson’s address, and as with many customers, during
17 the first sixteen months of the COVID-19 pandemic,¹ his meter reads were done by
18 estimation and subsequently trued-up with an actual reading taken in August 2021. Thus,
19 for most of the period at issue in Mr. Jackson’s complaint (April 2020–August 2021), the
20 meter reads were estimated.

21 **Q. HOW DOES CEI ESTIMATE A METER READ?**

¹ The estimations were done pursuant to the Commission Orders in cases 20-591-AU-UNC (published March 20, 2020) and 20-1345-EL-WVR. “Commission directs all public utilities under its jurisdiction to suspend in-person, actual meter readings in circumstances where a meter is located inside a customer’s home or similar location, as well as all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact.”

1 A. When CEI is unable to obtain an actual read of the meter, CEI will generally use an
2 algorithm to estimate that month's usage based, in part, on historical usage data. The meter
3 will still record the actual usage, so when an actual read is obtained, this will reconcile the
4 estimated reads. On each bill, CEI provides a customer the ability to provide their own
5 read of the meter.

6 **Q. DID CEI FOLLOW THAT SAME PROCESS IN THIS CASE?**

7 A. Yes.

8 **Q. AT SOME POINT DID CEI CONDUCT AN ACTUAL READING OF**
9 **COMPLAINANT'S METER?**

10 A. Yes.

11 **Q. WHAT DOES CEI DO WITH THE ACTUAL METER READING AFTER A**
12 **PERIOD OF ESTIMATED READINGS?**

13 A. When a customer's meter is read after an estimate, any difference between the prior
14 estimation and the customer's actual usage is automatically corrected. If the estimated
15 readings were too low and do not account for the customers actual electricity consumption,
16 the difference between the estimated usage and the customer's actual usage will be added
17 to the customer's next bill. If the estimated readings were too high, the customer would be
18 credited on his or her next bill for the additional amount the customer paid over their actual
19 electricity consumption.

20 **Q. WERE THE ESTIMATES ACCURATE BASED ON THE ACTUAL READING**
21 **TAKEN IN AUGUST 2021?**

1 A. No. The actual reading showed the customer's actual electricity consumption had been
2 underestimated, which resulted in a larger billing when the actual reading was obtained, as
3 the billing reconciled the actual usage compared to the estimated usage.

4 **Q. DID CEI DO ANYTHING TO VERIFY THAT THE ACTUAL READING IN**
5 **AUGUST WAS CORRECT?**

6 A. Yes. CEI obtained a check reading on September 14, 2021, of 28382, which showed
7 advancement on the meter from the August 27, 2021, reading. Results were mailed to the
8 customer.

9 **Q. HOW DOES CEI ENSURE THAT METERS ARE FUNCTIONING PROPERLY?**

10 A. CEI regularly inspects its meters to make sure they are reading accurately. If a customer
11 suspects that their meter is not reading correctly or that they are being overcharged, the
12 meter can be removed from the property and tested for accuracy.

13 **Q. WAS THAT DONE IN THIS CASE?**

14 A. Yes. On September 20, 2021, CEI removed and exchanged Complainant's meter for
15 testing at the Complainant's request.

16 **Q. CAN YOU PLEASE BRIEFLY DESCRIBE THE CIRCUMSTANCES OF THE**
17 **METER TEST?**

18 A. Yes. CEI personnel removed the meter from service on September 20, 2021 and installed
19 a new meter that same day. The old meter was sent to CEI's Meter Lab for testing. The
20 Meter Lab conducted the standard tests on the meter, which measured well within the
21 accuracy thresholds established by the Commission. In fact, the meter registered an
22 average accuracy of 99.99%. CEI mailed a letter to Mr. Jackson informing him of the test
23 results on his meter.

1 **Q. PLEASE DESCRIBE THE PROCESS OF METER TESTING?**

2 A. When a meter arrives for testing at the Company’s Meter Lab, it is marked and logged for
3 identification purposes. The basic meter function measures a well-known relationship of
4 current and voltage commonly referred to as “load” which is reflected as kilowatts over
5 time (“kilowatt hours” or “kWh”). As installed in the field, the meter measures the kWh
6 being drawn from the Company’s service line through the meter and into the premise by
7 electricity-using devices such as electronics, lights, fans, and motors. The testing consists
8 of putting a known voltage and amperage through the customer’s untested meter and
9 comparing the measured result with a meter standard with known test results. The result
10 can be expressed as a percentage of measured load to known load. In this case, the meter
11 in question tested 99.99%. The tolerance allowed by Commission Rule is plus or minus
12 2.0% of 100%.

13 **Q. IS THE METER LAB EVER INSPECTED BY THIRD PARTIES?**

14 A. Yes. The Public Utilities Commission of Ohio inspects the Meter Lab on an annual basis
15 to ensure that CEI’s Meter Lab is compliant with the Commission’s Rules.

16 **Q. FROM YOUR PERSPECTIVE AS AN ADVANCED CUSTOMER SERVICES
17 COMPLIANCE SPECIALIST WITH 22 YEARS OF EXPERIENCE, ARE THE
18 METER READINGS FOR MR. JACKSON’S ACCOUNT ACCURATE BASED ON
19 STANDARD PRACTICES OF CEI?**

20 A. Yes. CEI was permitted to take estimated readings to protect its employees during the
21 ongoing international pandemic. Once actual readings were resumed, those actual readings
22 were used to true-up the estimated reads. Additionally, in the case of Mr. Jackson, his
23 meter was tested and found to be 99.99% accurate, well within Commission approved

1 tolerances. Therefore, it is my professional opinion that the estimated and actual meter
2 reads are accurate, and that Mr. Jackson was charged for actual usage.

3 **Q. DID THE COMPANY OFFER ANY ALTERNATIVE METHODS BY WHICH MR.**
4 **JACKSON COULD PAY HIS REMAINING BALANCE?**

5 A. Yes. CEI offered a payment arrangement in which the customer would pay an initial down
6 payment followed by reduced monthly payments. The customer declined alternative
7 payment plans.

8 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

9 A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Direct Testimony of Princess Davis on Behalf of The Cleveland Electric Illuminating Company was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 15th day of August 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties. A courtesy copy was also sent via U.S. mail this 15th day of August 2022 to:

Lloyd Jackson
24455 Lake Shore Bl. #1815 East
Euclid Ohio 44123

/s/ John Breig

John Breig (0096767)
*One of the Attorneys for The Cleveland Electric
Illuminating Company*

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

8/15/2022 2:30:09 PM

in

Case No(s). 22-0193-EL-CSS

Summary: Testimony Testimony of Princess Davis electronically filed by Mr. John
W. Breig on behalf of The Cleveland Electric Illuminating Company

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

2/22/2023 2:28:24 PM

in

Case No(s). 22-0193-EL-CSS

Summary: Opinion & Order finding that Complainant has not met his burden of proof to demonstrate that The Cleveland Electric Illuminating Company billed Complainant incorrectly for his electric usage from April 2020 to August 2021. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio