

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
DAN AND MARY PATEK,**

**COMPLAINANTS,**

**v.**

**CASE NO. 21-549-EL-CSS**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on April 20, 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} The Cleveland Electric Illuminating Company (CEI or Respondent) is a public utility as defined in R.C. 4905.26. Accordingly, CEI is subject to the Commission's jurisdiction.

{¶ 3} On May 6, 2021, Dan and Mary Patek (Complainants) initiated a complaint regarding charges on their electric bill. Complainants allege that, since the installation of a smart meter in November 2020, they have received inaccurate readings for usage in their barn.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to CEI on May 6, 2021, directing CEI to file its answer and any other responsive pleading within 20 days after May 6, 2021.

{¶ 5} CEI filed its answer on May 26, 2021. In its answer, CEI admits some allegations in the complaint, denies some allegations in the complaints, asserts several

affirmative defenses, and reserves the right to amend its answer to assert additional affirmative defenses as becomes necessary.

{¶ 6} On May 27, 2021, the attorney examiner, by Entry, scheduled a settlement conference to occur on June 24, 2021. The conference occurred as scheduled. During the conference, the parties were unable to settle the matter.

{¶ 7} At this time the attorney examiner, having found reasonable grounds for the complaint have been stated pursuant to R.C. 4905.26, sets this matter for hearing, to occur at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215, on June 27, 2023, beginning at 10:00 a.m. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 8} Further, pursuant to Ohio Adm.Code 4901-1-17(A), parties should complete discovery prior to the commencement of the hearing, unless otherwise ordered for good cause shown. Also, in accordance with Ohio Adm.Code 4901-1-29(A)(1), the attorney examiner directs any party intending to present expert testimony to file and serve upon all parties such testimony no later than seven days prior to the commencement of the hearing.

{¶ 9} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations in the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1996).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for June 27, 2023, as outlined in Paragraph 7. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

*/s/Jesse M. Davis*

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By: Jesse M. Davis  
Attorney Examiner

GNS/dr

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

**Case No(s). 21-0549-EL-CSS**

Summary: Attorney Examiner Entry ordering that a hearing be scheduled for June 27, 2023, beginning at 10:00 a.m. at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215 electronically filed by Debbie S. Ryan on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio.