

APPENDIX to Rule 4901-1-25

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

TO:

Kim Burney, FirstEnergy Corp. Regional Claim Representative

FirstEnergy Corp.76 South Main Street, Akron, Ohio 44308

Upon application of Complainant you are hereby required to
appear before the Public Utilities Commission of Ohio as a witness for Alan Jones
in the following proceeding:

Case No. 22-0016-EL-CSS

Case Title In the Matter of the Complaint of Alan Jones, Complainant vs. The Illuminating Company
Respondent

You are to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, on the
30 day of May, 20 23, at 10:00 A.m. in hearing room 11-D.

You shall bring with you the following: RE: The Illuminating Company Claim CE228011. All internal
paper & electronic documents associated with FE Claim CE228011, including, but not limited to, emails,
notes, conversation records and other documents supporting the findings of the claim, CE228011.

Dated at Columbus, Ohio, this 5th day of May, 20 23.

Attorney Examiner

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then
witness fees for attending under this subpoena are to be paid by the party at whose request the
witness is summoned. Every copy of this subpoena for the witness must contain this notice.

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

ALAN JONES)	
)	
Complainant,)	
)	
vs.)	Case No. 22-0016-EL-CSS
)	
The Illuminating Company)	
A FirstEnergy Company)	
)	
Respondent.)	

MOTION FOR A SUBPOENA DUCES TECUM TO FIRSTENERGY CORPORATION

BY

ALAN JONES, COMPLAINANT

Alan Jones, Complainant, moves for a Subpoena Duces Tecum of Kim Burney, Regional Claim Representative for The Illuminating Company. FirstEnergy Corporation (FE) is the parent company of The Illuminating Company, the utility provider of electricity at 2634 Hampshire and 2636 Hampshire, Cleveland Heights, OH, a duplex house with separate electric meters. For this subpoena Duces Tecum, Alan Jones (Jones) is seeking certain documents and testimony, per Jones' broad rights to discovery under Ohio law (R.C. 4903.082) and rule (O.A.C.4901-1-16(B) and per state subpoena rule in O.A.C. 4901-1-25. Jones respectfully requests that the Public Utilities Commission of Ohio (Commission or PUCO) issue the attached Subpoena Duces Tecum to Kim Burney (FE) to compel her attendance at the hearing set for May 30, 2023, and the production of documents related to FE internal claim #CE228011, for examination and reproduction (or by electronic means) by no later than 10 days prior to the hearing.

This case involves mixed meters at the above stated addresses. The mixed meters resulted in significant over-billing and over-payment by complainant. Complainant seek damages, including, but not limited to, overpayments of electric usage, expenses and other costs.

This motion should be granted. It is more fully explained in the attached memorandum in support.

Respectfully submitted,

Alan Jones
Complainant

/s/ Alan Jones

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

ALAN JONES)	
)	
Complainant,)	
)	
vs.)	Case No. 22-0016-EL-CSS
)	
The Illuminating Company)	
A FirstEnergy Company)	
)	
Respondent.)	

MEMORANDUM IN SUPPORT

I. INTRODUCTION

1. This Complaint was originally submitted to the PUCO via a Formal Complaint Form on or about December 30, 2021, and assigned Case Number 00715013. (Copy attached as Addendum 1).
2. The Formal Complaint has been assigned Case #22-0016-EL-CSS.
3. Complainant states that he was overcharged and paid excess payments of an estimated \$1000. due to (switched) mixed meters between 2634 and 2636 Hampshire, a duplex house with separate meters owned by complainant.
4. The complainant paid the electric bills of an occupied tenant's house and the occupying tenant paid complainant's vacant house bills.
5. The mixed meters were discovered during and after a series of events in July 2021, which resulted in the complainant hiring a contractor and paying the contractor's costs.
6. Complainant filed a claim with The Illuminating Company for the reimbursement of the contractor's costs and other costs. This claim for contractor/other costs is FE's Claim #CE228011.
7. Kim Burney, Regional Claim Representative for The Illuminating Company was the interface with complainant and, to the best of my knowledge and belief, retains knowledge and documents in her possession, custody or control, or knowledge thereof of the FE's claim investigation, (CE228011).
8. The Illuminating Company, by and through Ms. Burney, paid the complainant's claim and acknowledged the mixed meters.
9. This acknowledgement is further confirmed by the voicemail received by complainant from Alfred of the PUCO. Copy of transcript is attached as Addendum 2.

II. ARGUMENT

a. The PUCO Attorney Examiner should grant Complainant's motion and sign the subpoena per O.A.C 4901-1-25.

1. Kim Burney, Regional Claim Representative for The Illuminating Company has full knowledge of the mixed meters that caused the overbilling to complainant due to leading the Claim for contractor costs.
2. Ms. Burney has in possession or knowledge of location of documents, including, but not limited to, electronic documents including emails, paper, books, workorders, verbal instructions/conversations, or text/electronic messages, obtained during the original, internal FE's claim investigation and decision under CE228011.
3. Testimony and Documents will lead to the discovery of the facts and basis for the claim for FE's billing errors as stated in PUCO Case 22-0016-EL-CSS.
4. The PUCO Attorney Examiner should grant Complainant's motion for production of documents related to FE internal Claim #CE228011.
5. The Subpoena Duces Tecum is reasonably calculated to lead to the discovery of admissible evidence, per O.A.C. 4901-1-16(B). This complainant's subpoena directed to FE is necessary to obtain the information that is referenced above and in Case 22-0016-EL-CSS.

III. CONCLUSION

The PUCO should grant complainant's motion seeking to Subpoena Duces Tecum information and testimony from FE. This motion is consistent with the subpoena rule and complainant's rights to discovery.

Submitted by;

/s/ Alan Jones

Alan Jones
410 Wakefield Run Blvd.
Hinckley, Ohio 44233
216-408-4346
alanmichele@roadrunner.com



Public Utilities Commission

00715013

Case Number

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

Formal Complaint Form

Alan Jones

Customer Name (Please Print)

410 Wakefield Run Blvd.

Customer Address

Hinckley

City

Ohio

State

44233

Zip

Against

110116739241 and 11015331748

Account Number

2634 & 2636 Hampshire Rd.

Customer Service Address (if different from above)

The Illuminating Co. a First Energy Company

Utility Company Name

Cleveland HTS.

City

OH

State

44106

Zip

Please describe your complaint. (Attach additional sheets if necessary)

Complaint: I was over billed and over paid for unoccupied house
due to electric meters being installed incorrectly per
the attached summary.

Signature

216-408-4346

Customer Telephone Number

12/30/21

Complaint filed by: Alan D. Jones

410 Wakefield Run Blvd.
Hinckley, Ohio 44233
Contact Phone #216-408-4346

Account Numbers: 110116739241 AND all past tenants of Referenced property
Account Service Address: 2634 & 2636 Hampshire Rd
Cleveland Heights, Ohio 44106

I, Alan D Jones is a customer of First Energy and was a customer of First Energy at time of complaint

Complaint is against The Illuminating Company, a First Energy Company (CEI)

PUCO Case #00715013

Reference Only (Evidence) First Energy Complaint Case#CE228011

Brief Dispute Summary: Property is a duplex house with addresses at 2634 Hampshire and 2636 Hampshire Rd. (House) with separate electric meters, one for each side (address).

Fact: First Energy's Illuminating Company (CEI) installed new meter(s) at some unknown date, but prior to 2016 at the House.

Fact: Meters were installed or meter address location recorded on the opposite side of the assigned house. I.e., CEI would read the meter for the meter serving the 2634 Hampshire property and send the bill to the tenant or myself at the 2636 Hampshire side, and vise-a-versa.

Fact: When one of the properties sides was un-occupied, I, as owner of the property, would transfer the electric usage to my account. I would receive bills for the occupied property side, (because the meter data was switched) and thus paying for electric usage for a fully occupied house with typically 3 or more occupants. This resulted in excessively high electric bills to me for an un-occupied house. (I was paying for the occupied side, not the vacant side)

Fact: I suspected this issue in 2016 and requested CEI review the issue. This resulted in PUCO Complaint #108305, submitted electronically on August 3, 2016 at 8:11 PM.

Fact: I could not get CEI to provide documentation requested and due to lack of requested documentation, 2016 case did not go to a formal hearing.

Fact: CEI discovered and admitted to the switched meter in August 2021 and paid a claim for an unnecessary electrical contractor service call. (FE Case # CE228011)

Desired PUCO Commission Response: Require CEI to pay the estimated \$1,000. in overbillings since the start of the meter readings and incorrect billings/overcharged payments. Or provide ALL electric bills for my account AND ALL tenant's accounts (both addresses) from January 2000 to present. This, along with my property records (to determine when one side was un-occupied) will determine when the "switch" first started and historical data to determine the proper amounts.

Require CEI to notify their collection agency and stop any attempt to collect disputed billings. (While this issue was being disputed, CEI sent the last bill to a collection agency). Correct all records within CEI and collection agency and proved proof.

Require CEI to pay all damages resulting in illegal collection agency actions, including but not limited to credit downgrades, credit report inaccuracies, etc.

This complaint shows that CEI has overcharged my account and has violated the law, failed to follow the rules and regulations on file with the PUCO, provide me inadequate service and failed to provide me proper service.

6:52



Addendum 2
(3 pages)

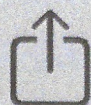
Greeting

Voicemail

Edit

PUCO; Alfried P...

phone



September 27, 2021 at 2:59 PM

0:00

-0:56



Transcription

"Hi Mr. Jones this is Alfred from the public utility commission of Ohio _ was calling to follow up on your CEI complaint that you have

Dr. Joseph Arma... 9/20/

home

00:11



Kim Burnev

7/6/21



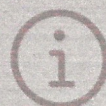
Greeting

Voicemail

Edit

CEI complaint that you have with our office _ state that they are currently looking at the issue at the property um with the mix metering so they have confirm that as you stated there was a _____ metering going on the property so they are currently investigating and will be re-rebuilding this _ once they find out exactly what a what the issue was so that information that should be provided to you once they finish the

Dr. Joseph Arma... 9/20/
home 00:11



Kim Burney
phone

7/6/21
00:32





Michele Jones

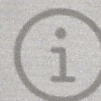
Attachment: 1 Image



will be re-rebuilding this _
once they find out exactly
what a what the issue was
so that information that
should be provided to you
once they finish the
rebuilding if you do have
questions or concerns after
that if you can give us a call
back at 1-800-686-7826
thank you..."

Was this transcription useful or not
useful?

Dr. Joseph Arma... 9/20/
home 00:11



Kim Burney 7/6/21
phone 00:32



Favorites



Recents



Contacts



Keypad



Voicemail

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

5/8/2023 8:47:30 AM

in

Case No(s). 22-0016-EL-CSS

Summary: Subpoena Subpoena Duces Tecum, K. Burney, FE Corp. electronically
filed by Mr. Alan D. Jones on behalf of Alan Jones.