

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
SHELLY AND HOWARD MOORE,

COMPLAINANTS,

v.

CASE NO. 21-1263-EL-CSS

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on October 6, 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 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. Accordingly, CEI is subject to the Commission's jurisdiction.

{¶ 3} On December 21, 2021, Shelly and Howard Moore (Complainants) filed a complaint against CEI. Briefly summarized, the complaint alleges that a two-person CEI service team responded to a service call Complainants placed on September 18, 2021, but failed to fix a service outage issue that was causing mechanical fires and damaging appliances. The next day, a CEI service person was dispatched to Complainants' residence and fixed a corroded wire. Complainants further allege that they "lost a lot of stuff due to the power surge." Specifically, the complaint lists their hot water tank, furnace, floor fan, microwave, heated mattress pad, surge protectors, camper interior, garage door opener,

grill component, and a dishwasher. Complainants posit that CEI, not Complainants, were responsible for maintaining the corroded wire.

{¶ 4} On January 10, 2022, CEI filed its answer in which it admits some of Complainant's allegations, denies others, and sets forth several affirmative defenses. CEI denies that property was damaged because of voltage surges, or that such damage was a cause of CEI employee actions or inactions. CEI also denies the cause of the power surge, if any, was under its control. CEI admits that its employees restored power to the Complainants' residence.

{¶ 5} By Entry dated February 9, 2023, the attorney examiner scheduled a settlement teleconference for March 24, 2022. A case resolution was not reached at that time.

{¶ 6} By Entry dated June 13, 2023, the attorney examiner directed the parties to file a report outlining, in a non-confidential manner, the status of any ongoing settlement negotiations by July 3, 2023.

{¶ 7} On June 30, 2023, CEI filed a case status report. In it, CEI stated that no progress towards settlement had been made since the March 24, 2022 settlement conference. CEI also requested a status conference to discuss potential dates for a hearing.

{¶ 8} By Entry dated August 1, 2023, the attorney examiner scheduled a telephonic status conference for August 23, 2023, but later granted a motion to reschedule it for September 5, 2023. Both parties appeared for the settlement conference and discussed dates for a hearing. Subsequent discussions identified a date for which all parties were available.

{¶ 9} Therefore, the attorney examiner schedules this matter for an evidentiary hearing on November 7, 2023, at 10:00 a.m., Eastern Standard Time. The hearing will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th Floor to participate in the hearing.

{¶ 10} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 1189, 214 N.E.2d 666 (1966)

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the evidentiary hearing be scheduled for November 7, 2023, at 10:00 a.m., as indicated in Paragraph 9. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Clint R. White

By: Clint R. White
Attorney Examiner

JSA/dmh

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

Case No(s). 21-1263-EL-CSS

Summary: Attorney Examiner Entry scheduling this matter for an evidentiary hearing on November 7, 2023, at 10:00 a.m., Eastern Standard Time. The hearing will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Clint R. White, Attorney Examiner, Public Utilities Commission of Ohio.