

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
R. SIMBALLA AND MARY SIMBALLA,

COMPLAINANTS,

v.

CASE NO. 22-1065-EL-CSS

OHIO EDISON COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on November 9, 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} Ohio Edison Company (OEC) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On November 16, 2022, R. Simballa and Mary Simballa (Complainants) filed a complaint against OEC, alleging that OEC failed to provide timely notice regarding the demand for a security deposit, and that OEC applied payments made by Complainants to the security deposit instead of current distribution charges as Complainants had directed.

{¶ 4} OEC filed its answer on December 6, 2022. OEC states that, on Complainants' February 16, 2022 bill, OEC provided notice that a security deposit would be required, and that OEC imposed the security deposit on May 12, 2022. According to OEC, although Complainants made payment on May 31, 2022, Complainants did not request that the payment be applied only to current charges. OEC explains that it has refused to remove

the security deposit because of “repeated untimely and partial payments of bills” and adds that, presently, Complainants’ account is still in arrears.

{¶ 5} The parties participated in a settlement conference on January 25, 2023, and agreed upon a settlement in principle, to be finalized in upcoming months.

{¶ 6} On July 18, 2023, OEC filed a motion to dismiss with prejudice, stating that the matter has been settled, with no further proceedings necessary.

{¶ 7} On August 2, 2023, Complainants filed a motion opposing the motion to dismiss, asserting that the complaint has not been settled.

{¶ 8} On August 21, 2023, an Entry was issued scheduling a status conference for September 8, 2023. The parties participated in the status conference but were unable to resolve remaining issues.

{¶ 9} On September 21, 2023, given the outcome of the status conference and Complainants’ contention that the matter is not fully resolved, the attorney examiner denied OEC’s motion to dismiss.

{¶ 10} On October 17, 2023, an Entry was issued scheduling a December 14, 2023 hearing.

{¶ 11} On November 6, 2023, Complainant filed a motion for extension of time to respond to OEC’s requests for admission, interrogatories, and requests for production of documents. Complainant noted that 103 responses were needed to address all that OEC requested.

{¶ 12} On November 8, 2023, OEC filed its response to the motion for extension of time. OEC explains that its first set of requests for admission, interrogatories, and requests for production of documents was served on October 19, 2023, and pursuant to Ohio Adm.Code 4901-1-19(A), 4901-1-20(C), and 4901-1-22(B), responses were due no later than

November 8, 2023. OEC adds that it does not object to a 14-day continuance, with the deadline for responses extended to and including November 22, 2023. OEC adds that the October 17, 2023, Entry states that expert testimony must be filed no later than December 7, 2023, and asserts that any additional extensions will prejudice OEC's ability to adequately prepare its case.

{¶ 13} The attorney examiner finds the motion for extension of time to be reasonable. Therefore, the motion shall be granted, with all responses to OEC's first set of requests for admission, interrogatories, and requests for production of documents be received by OEC no later than November 22, 2023.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the motion for extension of time be granted, with responses to OEC's first set of requests for admission, interrogatories, and requests for production of documents be received by OEC no later than November 22, 2023. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

GNS/dr

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11/9/2023 1:31:05 PM

in

Case No(s). 22-1065-EL-CSS

Summary: Attorney Examiner Entry granting the motion for extension of time, with responses to OEC's first set of requests for admission, interrogatories, and requests for production of documents to be received by OEC no later than November 22, 2023 electronically filed by Debbie S. Ryan on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.