

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
BRANDON SHELTON,**

COMPLAINANT,

v.

CASE NO. 23-921-EL-CSS

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 28, 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 (Respondent) is a public utility as defined in R.C. 4905.02 and 4905.03. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On October 3, 2023, Brandon Shelton (Complainant) initiated a complaint against Respondent. Complainant alleges that Respondent sent him a bill dated July 19, 2023, that showed 1,785 kilowatt-hours of electric usage for the billing period. Complainant claims this amount is more than twice the power consumption he typically uses in any billing period and that there was no unusual electric use during the billing period to account for the unusually high bill.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to Respondent on October 3, 2023, directing Respondent to file its answer and any other responsive pleading within 20 days after October 3, 2023.

{¶ 5} Respondent filed its answer on October 23, 2023. In its answer, Respondent states that it denies or is without sufficient knowledge or information to form a belief as to the truth of the allegations in the complaint and, therefore, denies the same. Respondent states that it has, at all pertinent times, complied with all relevant statutes, regulations, and approved tariffs. Respondent also outlines a number of affirmative defenses in its answer.

{¶ 6} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 7} Accordingly, a settlement conference shall be scheduled for January 3, 2024, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference.

{¶ 8} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 9} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of Respondent shall investigate the issues raised in the complaint prior to the settlement

conference. All parties attending the settlement conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.

{¶ 10} As is the case in all Commission complaint cases, the Complainant has 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be scheduled for January 3, 2024, at the offices of the Commission, in accordance with Paragraph 7. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jason W. Tonn

By: Jason W. Tonn
Attorney Examiner

PAS/dr

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

Case No(s). 23-0921-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for January 3, 2024, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Debbie S. Ryan on behalf of Jason W. Tonn, Attorney Examiner, Public Utilities Commission of Ohio.