

**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 February 15, 2024

{¶ 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} On November 28, 2023, the attorney examiner scheduled a settlement conference to be held on January 3, 2024. The settlement conference was convened on that date; however, the Complainant failed to appear. Attempts to contact Complainant by phone at the time of the conference were unsuccessful.

{¶ 7} At this time, the attorney examiner finds that this matter should be scheduled for a second 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.

{¶ 8} Accordingly, a settlement conference shall be scheduled for March 12, 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.

{¶ 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} 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.

{¶ 11} 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).

{¶ 12} Failure by the Complainant to appear or to notify the attorney examiner of an inability to attend the March 12, 2024 settlement conference may result in dismissal of the complaint for failure to prosecute the matter.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That a settlement conference be scheduled for March 12, 2024, at the offices of the Commission, in accordance with Paragraph 8. It is, further,

{¶ 15} 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

GNS/dmh

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

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**in**

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

Summary: Attorney Examiner Entry that a settlement conference shall be scheduled for March 12, 2024, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Jason W. Tonn, Attorney Examiner, Public Utilities Commission of Ohio.