

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
James R. Locker, )  
 )  
 Complainant, )  
 )  
 v. ) Case No. 05-1469-EL-CSS  
 )  
 Ohio Edison Company, )  
 )  
 Respondent. )

ENTRY

The Attorney Examiner finds:

- (1) On December 1, 2005, James R. Locker (complainant) filed a complaint with the Commission against the Ohio Edison Company (Ohio Edison, respondent). Mr. Locker states, among other things, that he was the owner of 1212 Lagonda Avenue and 1110 E. John Street, Apt 48, Springfield, Ohio until 2003 and that both properties are in Ohio Edison's service area. Mr. Locker alleges that he contacted Ohio Edison repeatedly to have service at the Lagonda Avenue property disconnected and taken out of his name, for approximately two years after the property was sold. The complainant states that he made no payments during this period and the service was not disconnected.

Further, the complaint alleges that in October 2002, Mr. Locker became aware that a tenant had service for the E. John Street property transferred into Mr. Locker's name. Subsequently, Mr. Locker requested that Ohio Edison disconnect the electric service. Mr. Locker claims that electric service to the apartment was not disconnected. In February 2003, Mr. Locker posits that he was contacted by Ohio Edison in regard to paying the outstanding bill. Mr. Locker states that he informed Ohio Edison that he did not intend to pay the bill and again insisted that the service be disconnected. On or about September 2003, the complainant states the apartment was leased to a new tenant and service transferred into the

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new tenant's name. Mr. Locker states that he sold the E. John Street property in November 2003.

Mr. Locker alleges that Ohio Edison has transferred the account balances from Lagonda Avenue and E. John Street to his remaining Ohio Edison account, and Ohio Edison has requested that the account be paid.

The complainant states that he filed a lawsuit against Ohio Edison in Clark County Common Pleas Court, but was unable to continue with the case. Further, Mr. Locker alleges that since 2000, Ohio Edison has been unresponsive to his requests to disconnect service at his properties, implemented collections on unpaid accounts rather than transfer the balance to one of the complainant's active accounts and, otherwise acted hostile toward the complainant.

Mr. Locker requests that Ohio Edison abandon any claims to the 1212 Lagonda Avenue account, abandon any claims to the 1110 E. John Street account referenced above, abandon any claims on any account at 1110 - 1138 E. John Street for balances accrued after the sale of that property on November 15, 2003, and abandon any claims on any other accounts currently or formerly held by the complainant that "display a similar pattern." Further, Mr. Locker requests that Ohio Edison remove any indication of any collection activity in association with these accounts from his credit history.

- (2) On December 21, 2006, Ohio Edison filed its answer to the complaint. Ohio Edison admits that the company provides electric utility service to 1212 Lagonda Avenue and 1110 E. John Street, Springfield, Ohio. Ohio Edison further admits that the company maintains an account in Mr. Locker's name and that balances from other accounts not identified in the complaint have at times been transferred to Mr. Locker's account. Ohio Edison asserts that the transfer of such account balances was lawful and proper. Ohio Edison denies that it has been hostile toward Mr. Locker. Otherwise, Ohio Edison generally denies the allegations raised in the complaint.

Further, Ohio Edison notes that the complaint filed by Mr. Locker in Clark County Common Pleas Court included allegations similar to the allegations in this complaint. Ohio Edison states that the Clark County Court action was dismissed on March 31, 2004.

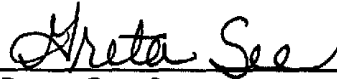
- (3) Ohio Edison is, as the respondent admits, a public utility and an electric company pursuant to Sections 4905.02 and 4905.03, Revised Code. Ohio Edison is, therefore, subject to the Commission's jurisdiction under Sections 4905.04, 4905.05 and 4905.06, Revised Code.
- (4) In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, this matter should be scheduled for a conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An Attorney Examiner from the Commission's Legal Department will facilitate the settlement process.
- (5) Accordingly, a conference in this matter shall be scheduled for February 1, 2006, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room 11-B, Columbus, Ohio 43215-3793. The parties should bring all relevant documents with them to the conference. If it becomes apparent that the parties are not likely to settle, the parties should also be prepared to establish a procedural schedule for discovery and a hearing date to facilitate the timely and efficient processing of this complaint.

It is, therefore,

ORDERED, That a conference is scheduled for February 1, 2006, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room 11-B, Columbus, Ohio. It is, further,

ORDERED, That a copy of this entry be served upon Mr. Locker, Ohio Edison and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




By: Greta See  
Attorney Examiner

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Entered in the Journal

**JAN 13 2006**



Renee J. Jenkins  
Secretary