

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of David)	
and Debra Flory,)	
)	
Complainant,)	
)	
v.)	Case No. 96-840-EL-CSS
)	
Toledo Edison Company,)	
)	
Respondent.)	

ENTRY

The Attorney Examiner finds:

- (1) On August 19, 1996, David and Debra Flory (Complainants) filed a complaint with the Commission against Toledo Edison Company (TE, Company, Respondent). Complainant alleges that TE has provided inadequate electric service to their residence and to the residences of at least seventeen other customers served from the same facilities. Specifically, Complainants allege that they and their neighbors have lost power at least ten times since May 14, 1995. In late June 1995, Complainants state they were without electric service for three days. According to Complainants, these outages have to varying degrees caused property damage. In addition to the poor service, Complainants believe TE's response to their inquiries reflect the Company's lack of interest in serving them and their neighbors. Complainants request that because of the poor service the Commission permit North Western Electric Cooperative, Inc. to serve them despite the fact that their residence is in TE's certified territory.
- (2) Pursuant to Section 4933.83(A), Revised Code, each electric supplier as defined by Section 4933.81(A), Revised Code, has the exclusive right to furnish electric service to all electric load centers in its certified territory.
- (3) Toledo Edison Company is an electric supplier as defined by Section 4933.81(A), Revised Code.

- (4) Section 4933.83(B), Revised Code, vests this Commission with the jurisdiction to determine, after hearing, whether any electric supplier operating in a certified territory is rendering or proposes to render physically adequate service to an electric load center. Upon finding the electric supplier renders physically inadequate service and does not propose to render adequate service, the Commission may enter an order specifying in what ways the electric supplier has failed to render or propose to render physically adequate service and order such failure be corrected within a reasonable time. If the electric supplier fails to comply with the Commission order, the Commission may authorize another electric supplier to furnish electric service to that electric load center and appropriately amend the map of the companies' certified territories.
- (5) Pursuant to Rule 4901-9-01, Ohio Administrative Code (O.A.C.), the Secretary of the Commission served a copy of the complaint on Respondent and directed Respondent to file an answer to the complaint, along with any responsive motion, with the Commission and serve a copy of the answer and any motion upon the Complainants.
- (6) The Staff of the Commission is conducting an investigation of the facts underlying this complaint. Staff intends to file a report of its findings to assist the Commission in reaching a decision in this case.
- (7) The Attorney Examiner finds that this matter should be set for an informal conference on November 19, 1996, at 10:00 a.m., on the 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to discuss the facts underlying the complaint as viewed by Complainants and Respondent, review Staff's findings up to the time of the informal conference, and determine whether the parties can informally resolve this matter. The parties should bring with them all documents relevant to the complaint.
- (8) On October 1, 1996, Respondent filed both an answer and a motion to dismiss this case. The Attorney Examiner will


hold a ruling on the motion to dismiss in abeyance pending the outcome of the informal conference discussed above.

It is, therefore,

ORDERED, That an informal conference be held on November 19, 1996, at 10:00 a.m., on the 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Steven J. Deerwester
Attorney Examiner

/vrh



Entered in the Journal
OCT 24 1996

A True Copy



Gary E. Vigorito
Secretary

SERVICE NOTICE

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CASE NUMBER	96-840-EL-CSS
CASE DESCRIPTION	DAVID & DEBRA FLORY/TOLEDO EDISON
DOCUMENT SIGNED ON	October 24, 1996
DATE OF SERVICE	<u>OCT 25 1996</u>

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANT

DAVID & DEBRA FLORY
02649 NEY WILLIAM CENTER RD.
NEY, OH 43549

NONE

RESPONDENT

TOLEDO EDISON COMPANY
300 MADISON AVE.
TOLEDO, OH 43652

MARK R. KEMPIC
CENTERIOR ENERGY CORP.
6200 OAK TREE BLVD.
INDEPENDENCE, OH 44131