

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Dennis)	
Sobodosh,)	
)	
Complainant,)	
)	
v.)	Case No. 06-798-EL-CSS
)	
The Cleveland Electric Illuminating)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 14, 2006, Dennis Sobodosh filed a complaint against the Cleveland Electric Illuminating Company (CEI), alleging that the actions of CEI resulted in damage to the complainant's water lines.
- (2) On June 14, 2006, pursuant to Rule 4901-9-01, Ohio Administrative Code, the secretary of the Commission served a copy of the complaint on CEI and directed CEI to file an answer to the complaint with the Commission, along with any responsive motions, and to serve a copy of the answer and any motions upon the complainant.
- (3) On July 3, 2006, CEI filed an answer to the complaint, denying several of the allegations and asserting, as affirmative defenses, that it breached no legal duty to the complainant, that the complainant failed to state reasonable grounds upon which his requested relief may be granted, and that CEI has acted in accordance with its tariff and with all applicable laws, rules, and regulations.
- (4) On July 6, 2006, the examiner issued an entry scheduling a settlement conference in this matter, to be held on July 25, 2006. At that settlement conference, the parties discussed the issues but were unable to resolve the dispute.

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- (5) Settlement efforts have been unsuccessful. Further, it appears that reasonable grounds for a complaint have been presented.
- (6) Accordingly, this case should be scheduled for a hearing on Tuesday, October 10, 2006, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-F, 11th floor, 180 East Broad Street, Columbus, Ohio.
- (7) In Commission proceedings, the complainant has the burden of proving the allegations of the complaint. Thus, at the hearing, it shall be the responsibility of Mr. Sobodosh to appear and be prepared to present evidence in support of the complaint.
- (8) Any party intending to present direct expert testimony shall comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code (O.A.C.). That administrative rule requires that all direct expert testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.
- (9) The parties are also reminded that any written evidence upon which they intend to rely must be presented at the hearing and admitted into evidence, even if it was supplied to other parties during settlement discussion. Therefore, parties should attend the hearing prepared to provide copies of any materials to the examiner, the court reporter, and the other party in the proceeding.

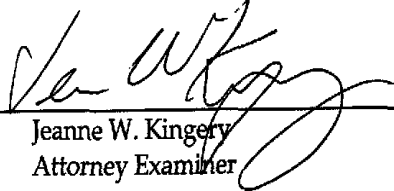
It is, therefore,


ORDERED, That this matter be scheduled for public hearing at 10:00 a.m., on Tuesday, October 10, 2006, in the offices of the Commission, Hearing Room 11-F, 11th floor, 180 East Broad Street, Columbus, Ohio. It is, further,

ORDERED, That the parties comply with the directives set forth in findings (7), (8), and (9). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jeanne W. Kingery
Attorney Examiner

geb 
Entered in the Journal

AUG 07 2006



Renee J. Jenkins
Secretary