

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Dennis E. Sands,)	
)	
)	
Complainant,)	
)	
v.)	Case No. 10-853-EL-CSS
)	
American Electric Power Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on June 18, 2010. In the complaint, Dennis E. Sands (Mr. Sands or complainant) alleged that American Electric Power Company (AEP or company) wrongfully billed him for electric service.
- (2) On July 8, 2010, AEP filed an answer and motion to dismiss in this matter. In the pleading, AEP denied the allegations in the complaint. AEP also requested that the complaint be dismissed because Mr. Sands did not file a complaint under Section 4905.26, Revised Code, but instead filed a request for the Commission to investigate the billing practices of AEP. Further, AEP stated that the company has breached no legal duty owed to the complainant and that the complainant has failed to state reasonable grounds upon which relief may be granted.
- (3) 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 Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements 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

discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

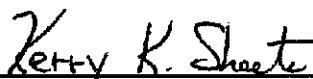
- (4) Accordingly, a settlement conference shall be scheduled for October 28, 2010, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. The parties should bring all relevant documents to the conference. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to establish a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189. Therefore, if this matter proceeds to hearing, it will be Mr. Sands' responsibility to appear and be prepared to present evidence in support of this complaint.


It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on October 28, 2010, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

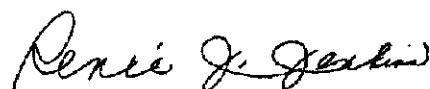
ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Kerry K. Sheets
Attorney Examiner


vrm
Entered in the Journal

SEP 21 2010



Renee J. Jenkins
Secretary