

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Edgar S. Vitek,)	
)	
Complainant,)	
)	
v.)	Case No. 10-2436-EL-CSS
)	
American Electric Power Company, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on October 27, 2010. In the complaint, Edgar S. Vitek (Mr. Vitek or complainant) stated that American Electric Power Company, Inc. (AEP) mistakenly sent the electric bills for his recently purchased property to an incorrect address. Mr. Vitek stated that he did not receive the bills and, as a result, AEP discontinued service to his property without any prior notice.
- (2) On November 15, 2010, AEP filed an answer and motion to dismiss admitting that the company had an incorrect billing address for Mr. Vitek and that the company did disconnect power to Mr. Vitek's property, as a result of non-payment. AEP stated, however, that the error was immediately recognized and resolved, and AEP's meter was re-energized the same day. AEP also stated that the company compensated Mr. Vitek for lost food items in the amount of \$62.00.

AEP stated that the company has complied with Commission rules and regulations, that complainant has not identified any Commission rule or regulation that AEP has violated, and that the company has breached no legal duty owed to the complainant. Further, AEP argued that the complainant has failed to state reasonable grounds upon which relief may be granted. AEP, therefore, requested that the complaint be dismissed.

- (3) At this time, 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, 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 process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for March 8, 2011, at 10:00 a.m., in Conference Room 1246, in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) 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.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on March 8, 2011, at 10:00 a.m., in Conference Room 1246, in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Kerry K. Sheets
By: Kerry K. Sheets
Attorney Examiner

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/vrm

Entered in the Journal

JAN 21 2011

Renee J. Jenkins

Renee J. Jenkins
Secretary