

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Sadie Foster,)	
)	
)	
Complainant,)	
)	
v.)	Case No. 11-5845-EL-CSS
)	
The Dayton Power and Light Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 1, 2011, Sadie Foster filed a complaint against The Dayton Power and Light Company (DP&L). Ms. Foster alleges that, in September 2010, a tenant illegally moved into property that she owned and began using electricity at that location. Ms. Foster adds that by March 30, 2010, when DP&L was unable to collect payment from the tenant, DP&L transferred the charges to her account. She adds that she provided DP&L with the tenant's Social Security Number and address, but DP&L refused to utilize this information to pursue the tenant.
- (2) DP&L filed its answer and motion to dismiss on December 20, 2010. DP&L denies Ms. Foster's allegations and states that it has complied with all relevant statutes, regulations, and tariffs. In addition, DP&L requests that the Commission dismiss the complaint.
- (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 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 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

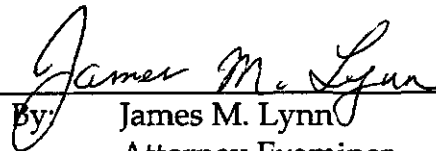
- (4) Accordingly, a settlement conference shall be scheduled for January 24, 2012, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is 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 on 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 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 a settlement conference be scheduled for January 24, 2012, at 2:00 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

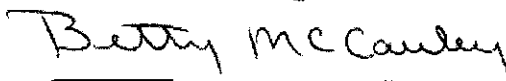
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: James M. Lynn
Attorney Examiner

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Entered in the Journal

JAN 10 2012


Betty McCauley
Secretary