

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ron	)	
Mosley,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 11-1494-EL-CSS
	)	
The Dayton Power and Light Company,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On March 29, 2011, Mr. Ron Mosley (complainant) filed a complaint against The Dayton Power and Light Company (DP&L). The complainant alleged that DP&L estimated his bill for several years. He further alleged that he had not turned on his heat since he had been residing in his present home. Nevertheless, he stated that DP&L continued to charge him for service and now demands \$2,187.14. The complainant added that, even though he paid his bill each month, DP&L continued to add late payment charges. Mr. Mosely claims that on March 19, 2011, DP&L disconnected his electric service. For relief, he seeks damages of \$20,000.
- (2) On April 13, 2011, DP&L filed an answer, motion to strike, motion to dismiss, and request for mediation.
- (3) The complainant filed a response in opposition to DP&L's pleadings on June 13, 2011.
- (4) By entry issued June 21, 2011, the attorney examiner scheduled a settlement conference. Pursuant to the entry, the parties convened for a mediated settlement conference on July 13, 2011. The parties did not resolve any issues.
- (5) On August 5, 2011, the attorney examiner issued an entry scheduling this matter for a hearing to occur on September 22, 2011. At the hearing, after the complainant began to present

exhibits, the attorney examiner granted DP&L's motion to continue the hearing to allow further discovery.

- (6) Ultimately, the complainant failed to comply with DP&L's discovery requests and the attorney examiner's orders to compel. In response to DP&L's motion to dismiss, the Commission issued an order for a hearing and ordered that the complainant be barred from introducing documentary evidence that should have been provided pursuant to DP&L's discovery requests, unless such documentary evidence is provided to DP&L at least 30 days prior to the hearing.
- (7) The hearing in this matter shall be scheduled for February 12, 2013, at 10:00 a.m. in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (8) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (9) 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, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a hearing be scheduled for February 12, 2013, at 10:00 a.m. in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That any party intending to present direct, expert testimony comply with Finding (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ L. Douglas Jennings

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By: L. Douglas Jennings  
Attorney Examiner

jrj/vrm

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**in**

**Case No(s). 11-1494-EL-CSS**

Summary: Attorney Examiner Entry scheduling a hearing for February 12, 2013, at 10:00 a. m., electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio