

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Tonja Johnson,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1878-EL-CSS
)	
The Dayton Power and Light Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 27, 2013, Tonja Johnson (complainant) filed a complaint against the respondent, The Dayton Power & Light Company (DP&L), alleging that DP&L improperly managed her electric service account by wrongfully: (a) forcing her to pay a bill that was not hers in order to prevent disconnection of electric service to her home; (b) disconnecting her electric service on May 16, 2013; and (c) refusing, ever since, to restore such service.
- (2) DP&L filed its answer on September 16, 2013. In its answer, DP&L denies, or claims insufficient knowledge to ascertain the veracity of, all of the allegations of wrongdoing as described in the complaint. DP&L asserts that, at all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs. It asserts that the complaint against DP&L should be dismissed.
- (3) By this entry, the attorney examiner schedules a settlement conference in this matter. 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 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference in this matter is hereby scheduled to occur on October 23, 2013, at 10:00 a.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 there is no settlement 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.
- (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.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference in this matter be scheduled for October 23, 2013, at 10:00 a.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

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-1878-EL-CSS

Summary: Attorney Examiner Entry ordering a settlement conference for 10/23/2013, 10:00 a. m. at the Commission offices located on 180 E. Broad St., Rm. 1246, 12th Flr., Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio