

(including specifically, 2013 and 2014), all in alleged conformance with Ohio Adm.Code 4901:1-10-05(I)(1). CEI states that, in each instance where Complainant's bills are based upon estimated usage, CEI reconciles its estimate(s) with Complainant's actual usage as determined at the next actual meter reading. Therefore, CEI denies that Complainant has been overcharged and also generally denies all of the other material allegations of the complaint. As part of its answer, CEI asserts several affirmative defenses including: (1) that reasonable grounds for complaint, as required by R.C. 4905.26, have not been stated; and (2) that the complaint fails to state a claim upon which relief can be granted.

- (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 Ohio Adm.Code 4901-1-26, any statement 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 October 2, 2014, at 1:00 p.m. in Hearing Room 11-A in the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may 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 Ohio Adm.Code 4901-1-26(F), 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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on October 2, 2014, at 1:00 p.m. in Hearing Room 11-A in the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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Summary: Attorney Examiner Entry that a settlement conference be held on October 2, 2014 at 1:00 p.m.; electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.