

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Janice L. Guess,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 14-2313-EL-CSS
	)	
Ohio Power Company d/b/a AEP Ohio,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On December 23, 2014, Complainant, Janice L. Guess, filed a complaint against Respondent, Ohio Power Company d.b.a. AEP Ohio (AEP Ohio). Briefly summarized, the complaint alleges, among other things, that Respondent: (a) unlawfully disconnected power at Complainant's residence; (b) engaged in meter reading and billing activities, which include sending to Complainant's home unidentified employees who acted in an unruly and hostile manner, engaged in alleged trespassing and suspected vandalism of Complainant's private property; and (c) acted in such a manner as to impinge upon the Complainant's and her mother's health, safety, and comfort, within their own home.
- (2) On January 9, 2015, AEP Ohio filed its answer, denying all of the allegations of the complaint and raising several affirmative defenses, including: (a) that the complaint fails to set forth reasonable grounds for complaint; (b) that the complaint fails to identify any Commission rule or regulation that AEP Ohio has violated; (c) that, under Commission rule, the Respondent is entitled to a right of access to its metering equipment in order to carry out its authorized functions; and (d) that the complaint fails to show that AEP Ohio's multiple requests to gain access to her property are not in accordance with the company's right to access the meter.
- (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 March 3, 2015, at 10:00 a.m. in Conference Room 1247 of 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 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 March 3, 2015, at 10:00 a.m. in Conference Room 1247 of 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 all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 14-2313-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for March 3, 2015, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio