

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Nancy Toliver,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-642-EL-CSS
	)	
The Dayton Power and Light Company,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 1, 2015, Nancy Toliver (Complainant) filed a complaint against The Dayton Power and Light Company (DP&L), alleging that DP&L has "threatened to disconnect" her service "when the balance is zero or less" than her percentage of income payment plan (PIPP) amount of \$81.46. She contends that she is eligible to participate in PIPP.
- (2) DP&L filed its answer and a motion to dismiss on April 20, 2015. DP&L denies Complainant's allegations, stating that it has complied with relevant statutes, rules, and tariffs. DP&L requests dismissal of the complaint or an opportunity for mediation.
- (3) On May 1, 2015, Complainant filed a response to DP&L's motion to dismiss. Complainant asserts that she does not object to mediation and reemphasizes that DP&L is attempting to collect payments "not owed \* \* \* when the actual account balance and usage charges are zero \* \* \*."
- (4) 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 Ohio Adm.Code 4901-1-26, 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.

- (5) Accordingly, a settlement conference shall be scheduled for October 7, 2015, 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 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.
- (6) Pursuant to Ohio Adm.Code 4901-1-26(F), 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.
- (7) 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 scheduled for October 7, 2015, 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/James Lynn

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By: James M. Lynn  
Attorney Examiner

JRJ/sc

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

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**in**

**Case No(s). 15-0642-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 10/07/2015 at 10:00 a.m. in accordance with Finding (5). - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio