

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF NICOLE NICHOLS,

COMPLAINANT,

v.

CASE NO. 16-1559-EL-CSS

OHIO POWER COMPANY D/B/A AEP OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on August 23, 2016

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Respondent) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On July 12, 2016, Nicole Nichols (Complainant) filed a complaint against AEP Ohio. Among other things, Complainant alleges that she is currently a PIPP Plus customer who, in that program, was paying \$104.00 per month for electric service at her home, located at an address provided in the complaint, where, she claims, she is not a resident, but receives electric service as a consumer, but not as a customer. Further, Complainant alleges that in December 2015, Respondent billed her, without explanation, for amounts dramatically fluctuating from the amounts contractually agreed upon, including, for example, two separate bills for more than \$12,750.00. Complainant indicates that she has brought this complaint because, despite speaking

with 12 individuals, she has never received from AEP Ohio an explanation for this billing discrepancy. Further, Complainant alleges that her electric service is currently disconnected for nonpayment, has been disconnected for over two weeks, and that such disconnection is causing an undue hardship on her family. The complaint also mentions that another member of Complainant's household has tried to get electric service established in that household member's own name, but has been refused service, something Complainant considers to be harassment and beyond standard procedure. Complainant indicates that, out of desperation and in order to get service restored, she made a payment for "the alleged past due amount." Such payment, Complainant alleges, was refused by Respondent. Complainant claims not to know, and by bringing this complaint seeks to learn, why her payment has been refused.

{¶ 4} AEP Ohio filed its answer on August 1, 2016. In its answer, AEP Ohio admits some and denies other allegations of the complaint and sets forth an affirmative defense.

{¶ 5} 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.

{¶ 6} Accordingly, a settlement conference shall be scheduled for September 22, 2016, 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.

{¶ 7} 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.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for September 22, 2016, 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,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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Case No(s). 16-1559-EL-CSS

Summary: Attorney Examiner Entry ordering a settlement conference be scheduled for September 22, 2016, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.