

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
KENNETH J. FAULKS SR.,**

COMPLAINANT,

v.

CASE NO. 17-1569-EL-CSS

THE DAYTON POWER & LIGHT COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on September 11, 2017

{¶ 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} Respondent, The Dayton Power & Light Company (DP&L), 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 11, 2017, Kenneth J. Faulks Sr. (Complainant) filed a complaint against DP&L alleging that DP&L has wrongfully and discriminatorily overcharged him for a night light service for which he is not responsible, given his recent discovery that the night light service pole involved is actually not located on his property, as DP&L had told him it was when he inquired earlier.

{¶ 4} DP&L filed its answer on July 31, 2017. In its answer, DP&L acknowledges that the complaint relates to a night light charged to the account associated with the particular address identified in the complaint; but otherwise denies, for lack of sufficient knowledge to ascertain the validity of, all of the allegations of the complaint; and sets forth several affirmative defenses.

{¶ 5} On August 11, 2017, an Entry was issued scheduling a settlement conference for September 7, 2017. Complainant did not attend the settlement conference. Later on the day of the scheduled conference, he explained in a phone call with the attorney examiner that, because he had been out of the country, he was not aware that the settlement conference had been scheduled.

{¶ 6} Upon consultation with both the parties, the attorney examiner finds that a settlement conference in this matter should now be rescheduled to occur on September 22, 2017, 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} 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.

{¶ 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, 2017, 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

SJP/dah

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in

Case No(s). 17-1569-EL-CSS

Summary: Attorney Examiner Entry that orders a settlement conference be scheduled for September 22, 2017, 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.