

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CHRISTINE SUMMERS & LARRY MOORE,**

COMPLAINANTS,

v.

CASE No. 18-1561-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on February 7, 2019

{¶ 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 and 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 October 17, 2018, Christine Summers and Larry Moore (Complainants) filed a complaint against DP&L. The complaint alleges, among other things, that Complainants were, for years, unreasonably billed by DP&L for an outside night light service that DP&L never provided. Further, say Complainants, DP&L has steadfastly refused: (a) to refund amounts that Complainants paid for the night light service that was never provided; and (b) to cooperate with Complainants fairly in attempting to resolve this matter.

{¶ 4} On November 6, 2018, DP&L filed its answer to the complaint. In its answer, DP&L admits that, as a company, it has had multiple discussions about the night light with an individual claiming to be Christine Summers. Beyond that, DP&L denies, or denies for lack of knowledge, all remaining allegations of the complaint. DP&L, in its answer, sets forth several affirmative defenses.

{¶ 5} A settlement conference was scheduled for and held on December 11, 2018. However, the parties were unable, then or since, to resolve the dispute giving rise to this complaint case.

{¶ 6} R.C. 4905.26 requires that the Commission set for hearing a complaint against a public utility whenever reasonable grounds appear that any rate charged or demanded is in any respect unjust, unreasonable, or in violation of law, or that any practice affecting or relating to any service furnished is unjust or unreasonable.

{¶ 7} The attorney examiner finds that reasonable grounds for complaint have been stated. Accordingly, this case should be scheduled for hearing on March 14, 2019, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 9} In complaint proceedings before the Commission, 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). Therefore, at hearing, it shall be Complainants' responsibility to appear and present evidence in support of the complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for March 14, 2019, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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Case No(s). 18-1561-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 03/14/2019 in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio