

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF 104
INVESTMENT HOLDINGS, INC.,**

COMPLAINANT,

v.

CASE NO. 19-1766-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on October 15, 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} The Dayton Power and Light Company (DP&L 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 September 11, 2019, 104 Investment Holdings, Inc. (Complainant) filed a complaint against Respondent alleging that DP&L improperly disconnected its electric service. In the complaint, Complainant provides several allegations against DP&L, all based on the following claims: that Complainant owns property at 1728 Salem Avenue, Dayton, Ohio (Salem) where it houses its business office and leases to business tenants, including Turnaround Management, LLC (Turnaround) and Cynthia Johnson; that, in May 2019, DP&L transferred a past due electric bill to the Salem Address in the amount of \$6,359.87 incurred by Turnaround, a separate legal entity from Complainant, at 2821 Earlham Avenue, Dayton, Ohio (Earlham) between 2015 and January 2019; that DP&L disconnected services at the Salem address due to Turnaround's failure to pay the disputed May 2019 bill;

that DP&L informed Complainant, when Complainant was denied electric service, that it must pay the May 2019 bill before services will be restored; and that DP&L did not offer a proper explanation as to why Turnaround's electric charges were added to the Salem address's service account. Based on these claims, Complainant alleges that DP&L impermissibly disconnected services at the Salem address while Complainant was engaged in a bona fide business dispute regarding the amount transferred from the Earlham address to the Salem address. Complainant also alleges that, as a direct and proximate result of DP&L's conduct, Complainant suffered damages in an amount not less than \$10,000. Complainant also alleges that it has suffered and will continue to suffer immediate and irreparable harm, due to its inability to conduct business and subsequent loss of business tenants, until DP&L restores service to the Salem address. For redress, Complainant requests compensatory damages in an amount not less than \$10,000. Complainant also requests that the Commission enjoin DP&L from further violations with respect to Complainant or the Salem address and asks that the Commission instruct DP&L to immediately restore service to the Salem address. Complainant also seeks reasonable attorney fees and costs incurred by Complainant in prosecuting this case and such other award or relief the Commission deems appropriate.

{¶ 4} According to the docket, the Commission's docketing division has not yet mailed a complaint response letter to the service address on record for Complainant to inform Complainant that the Commission received its complaint.

{¶ 5} Accordingly, the attorney examiner directs the Commission's docketing division to send the letter confirming receipt of the complaint to the service address on record for Complainant.

{¶ 6} Similarly, according to the case docket, it does not appear that Respondent was served with the complaint. The Commission's docketing division is also instructed to serve a copy of the complaint and accompanying complaint service letter on DP&L. Further, Ohio Adm.Code 4901-9-01(B) allows an attorney examiner to set the time period within

which Respondent must file its answer to a complaint. In order to provide DP&L sufficient time to respond to the allegations set forth in the complaint, Respondent must file its answer within 20 days of this Entry being filed and serve the answer upon Complainant at the service address on the record.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the Commission's docketing division send the letter confirming receipt of the complaint to Complainant. It is, further,

{¶ 9} ORDERED, That the Commission's docketing division serve a copy of the complaint and accompanying complaint service letter on DP&L. It is, further,

{¶ 10} ORDERED, That Respondent file its answer to this complaint within 20 days of the date of this Entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor
Attorney Examiner

JRJ/mef

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in

Case No(s). 19-1766-EL-CSS

Summary: Attorney Examiner Entry ordering service and requiring the answer to be filed within 20 days electronically filed by Ms. Mary E Fischer on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission