

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
HEATHER LEWIS,**

**COMPLAINANT,**

**v.**

**CASE NO. 19-1983-EL-CSS**

**THE DAYTON POWER AND LIGHT  
COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on December 18, 2019

{¶ 1} The Dayton Power and Light Company (DP&L or Company) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} 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.

{¶ 3} On October 28, 2019, Heather Lewis (Complainant or Ms. Lewis) filed a complaint against DP&L alleging that DP&L is erroneously withholding electric service. Specifically, Complainant states that, in December 2017, she sought assistance from the Miami Valley Community Action Partnership (MVCAP) to help pay her outstanding DP&L account balance and enroll as a PIPP (percentage of income payment plan plus) customer for the property located at 43 N. Garland Avenue, Dayton, Ohio 45403 (Garland Property). Complainant alleges that she was informed her adjusted DP&L bill would be \$67 per month. Complainant subsequently found out that she was never enrolled as a PIPP customer.

{¶ 4} On July 30, 2019, Complainant met with MVCAP to enroll as a PIPP customer for a different property located at 426 Wesley Street, Dayton, Ohio 45403 (Wesley Property).

Complainant states that, in order to enroll her as a PIPP customer and turn on electric service at the Wesley Property, MVCAP asserted that she would need to pay \$633 in outstanding PIPP charges. Complainant alleges that she never successfully enrolled in PIPP at the Garland Property, and therefore, should not have outstanding PIPP charges due to DP&L. Complainant specifically requests that service to the Wesley Property be turned on and that she be placed on PIPP.

{¶ 5} On November 18, 2019, DP&L filed its answer to the complaint, denying many of the allegations contained therein. DP&L admits that in February 2018, the Company issued a bill in the amount of \$536.06 to Complainant for services located at the Garland Property. DP&L denies the remaining allegations. Additionally, DP&L raises several affirmative defenses, including, but not limited to, the following: Complainant fails to set forth reasonable grounds for complaint as required by R.C. 4905.26; Complainant fails to state a claim upon which relief can be granted; and DP&L has complied with all applicable rules, regulations, and orders of the Commission, and its tariffs.

{¶ 6} 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 of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26(E), any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 7} Accordingly, a settlement conference shall be scheduled for January 16, 2020, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. If a settlement is not reached at the conference, the

attorney examiner may conduct a discussion of procedural issues, including discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 8} Pursuant to Ohio Adm.Code 4901-1-26(F) and 4901-9-01(H), the representatives of the public utility shall investigate the issues raised in 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 9} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966). Therefore, Ms. Lewis bears the burden of proving the allegations in her complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for January 16, 2020, at 10:00 a.m. at the Commission offices pursuant to Paragraph 7. 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/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

JRJ/hac

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

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Summary: Attorney Examiner Entry scheduling settlement conference electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio