

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

LEE J. POEPPELMEIER
237 E. Maplewood Dr.
Dayton, Ohio 45405

Complainant,

v.

The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432

Respondent.

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Case No. 20-1323-EL-CSS

**ANSWER, MOTION TO DISMISS, AND REQUEST FOR MEDIATION OF THE
DAYTON POWER AND LIGHT COMPANY**

Now comes the Dayton Power and Light Company (“DP&L” or “Respondent” or “the Company”), by and through counsel, and for its answer to the Complaint filed in this docket by Lee. J. Poeppelmeier (“Complainant”), hereby states as follows:

1. On or about July 29, 2020, the Public Utilities Commission of Ohio (“the Commission”) accepted for filing a Complaint by Complainant related to charges associated with account numbers 2753041469 and 1041988242 for the property located at 237 East Maplewood Drive, Dayton, Ohio 45405.

2. The Respondent, DP&L, denies or is without sufficient knowledge to ascertain the veracity of the allegations as described in the Complaint and therefore denies the same. At all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs.

FIRST AFFIRMATIVE DEFENSE

3. The Complainant fails to set forth reasonable grounds for complaint, as required by Section 4905.26, Revised Code.

SECOND AFFIRMATIVE DEFENSE

4. The Complainant fails to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

5. At all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

FOURTH AFFIRMATIVE DEFENSE

6. Complainant lacks standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

7. Failure to perfect proper service of Complaint.

SIXTH AFFIRMATIVE DEFENSE

8. DP&L reserves the right to raise any additional affirmative defenses as warranted by discovery in this matter.

WHEREFORE, Respondent respectfully requests that the Commission dismiss DP&L from this Complaint. To the extent that the Commission denies such motion, Respondent hereby requests the opportunity to mediate this issue with the Complainant to determine whether a mutually acceptable resolution is possible.

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

*Counsel of Record

The Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Email: michael.schuler@aes.com

Attorney for The Dayton Power and Light Company

(willing to accept electronic service)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via ordinary mail,
postage prepaid, this 30th day of October, 2020 to the following:

Lee J. Poeppelmeier
237 E. Maplewood Dr.
Dayton, Ohio 45405

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

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Case No(s). 20-1323-EL-CSS

Summary: Answer , Motion to Dismiss, and Request for Mediation electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company