

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
SHERELLE A. DULANEY,**

COMPLAINANT,

CASE NO. 20-1135-EL-CSS

v.

AMERICAN POWER & LIGHT LLC,

RESPONDENT.

ENTRY

Entered in the Journal on November 25, 2020

{¶ 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. Additionally, pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 2} On June 8, 2020, Sherelle A. Dulaney (Complainant or Ms. Dulaney) filed a complaint against American Power & Light LLC (AP&L or Respondent). The Complainant alleges that Respondent, which functioned as the sub-metering company servicing the apartment complex within which Complainant resides, billed her for electricity-consumption charges that were higher than what the Ohio Power Company d/b/a AEP Ohio (AEP Ohio) would have charged for the same kilowatt usage. Further, Complainant alleges that, when Complainant contacted Respondent regarding the issue, Respondent's representatives were rude and unconcerned with the issue. Complainant requests that Respondent refund Complainant for the over charges and that Respondent charge for electricity usage in a manner similar to AEP Ohio.

{¶ 3} AP&L filed its answer on June 29, 2020. In its answer, AP&L admits some

allegations in the complaint. AP&L states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations in the complaint. Further, AP&L sets forth in the answer several affirmative defenses, such as asserting that the Commission does not have personal jurisdiction over AP&L or subject matter jurisdiction over the complaint.

{¶ 4} The Complainant has advised the attorney examiner that she no longer desires to pursue this complaint. The attorney examiner directed the Complainant to file a notice in the docket indicating as such. The attorney examiner has attempted to follow up with Complainant regarding the filing of a notice; however, to this date, the Complainant has yet to make such a filing. Accordingly, if the Complainant wishes to pursue prosecution of the complaint, the attorney examiner directs the Complainant to file correspondence in the docket indicating as such within 21 days of this Entry. If Complainant does not make such a filing within 21 days of this Entry, the attorney examiner advises that the complaint may be subject to dismissal.

{¶ 5} 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).

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That, if the Complainant desires to pursue prosecution of the complaint, Complainant file a notice indicating as such in the docket within 21 days of this Entry. It is, further,

{¶ 8} 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

NJW/kck

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1135-EL-CSS

Summary: Attorney Examiner Entry ordering if the Complainant desires to pursue prosecution of the complaint, Complainant must file a notice indicating as such in the docket within 21 days of this Entry. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio