

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF SHIRLEY DILLER,

COMPLAINANT,

v.

CASE NO. 20-767-EL-CSS

OHIO POWER COMPANY DBA AEP OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on February 8, 2023

I. SUMMARY

{¶ 1} The Commission dismisses this complaint without prejudice for failure to prosecute the matter.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company 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} Ohio Power Company dba AEP Ohio (AEP) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On April 10, 2020, Shirley Diller (Ms. Diller or Complainant) filed a complaint against AEP concerning multiple issues. Ms. Diller states that she was informed by AEP that the electric meter at her 1200 W. Market Street property in Lima was “running high.” Complainant contends, however, that the residence was unoccupied and there was “nothing [turned] on.” Ms. Diller further alleges that an AEP representative informed her

that she was “losing the property.” Complainant asserts that AEP turned off power at several of her properties, including 1034 Summit, 532 Prospect, and 806 Loretta Place, even though she was current in paying for service at those locations. According to Ms. Diller, the balances owed at 1034 Summit, 532 Prospect, and 806 Loretta Place were transferred to her property at 1021 W. Market Street. Complainant requests that AEP “drop the whole bill” at 1021 W. Market Street, given that she has paid “\$350 plus \$50 on a faulty meter.” Finally, Ms. Diller alleges abusive verbal treatment by AEP employees toward her.

{¶ 5} On April 30, 2020, AEP filed its answer to the complaint. AEP admits that Complainant is an AEP customer, and that the meter at 1200 W. Market Street was tested on December 6, 2018, was found to be inaccurate, and was removed and replaced on December 6, 2018. AEP states that it informed Ms. Diller via telephone of the meter testing results. According to AEP, on December 4, 2018, Complainant’s service at 1200 W. Market Street was closed on December 4, 2018, and the unpaid balance was transferred to another of Ms. Diller’s accounts. AEP adds that, on January 4, 2019, it sent Complainant a disconnect notice regarding unauthorized energy consumption 1200 W. Market Street; service was eventually disconnected on February 1, 2019. AEP denies any remaining assertions made by Complainant.

{¶ 6} On May 18, 2020, an Entry was issued scheduling a May 27, 2020 settlement conference. The parties participated as scheduled but the matter was not resolved. Complainant indicated her interest in proceeding to a hearing and that she would likely obtain counsel; however, despite the attorney examiner contacting Ms. Diller in June 2021 and at alternating times thereafter asking about Complainant’s counsel and possible hearing dates, and Ms. Diller periodically responding, she has not indicated if she has obtained counsel or suggested possible hearing dates.

{¶ 7} In a January 4, 2023 Entry, the attorney examiner directed Ms. Diller to file a letter in the case docket no later than January 24, 2023, indicating contact information for her attorney, if any, and indicating her availability during upcoming months of spring and

summer 2023 for a hearing. The Entry indicated that failure to respond by January 24, 2023 may result in dismissal of the complaint for failure to prosecute the matter.

{¶ 8} Given Ms. Diller's failure to respond to the January 4, 2023 Entry and to the attorney examiner's attempts to contact her as indicated in paragraph 6, this complaint shall be dismissed for failure to prosecute the matter.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That this complaint be dismissed without prejudice for failure to prosecute the matter. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JML/dmh

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in

Case No(s). 20-0767-EL-CSS

Summary: Entry that the Commission dismisses this complaint without prejudice for failure to prosecute the matter electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio