

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LEE J. POEPPELMEIER,**

COMPLAINANT,

v.

CASE No. 20-1323-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY, D/B/A AES OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on April 20, 2023

{¶ 1} 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.

{¶ 2} The Dayton Power and Light Company, d/b/a AES Ohio (AES Ohio) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On July 29, 2020, Lee Poeppelmeier (Complainant) initiated a complaint against AES Ohio regarding charges on his electric bill, specifically the customer charge and the amount of that charge.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to AES Ohio on July 29, 2020, directing AES Ohio to file its answer and any other responsive pleading within 20 days after July 29, 2020.

{¶ 5} By Entry issued on September 18, 2020, the attorney examiner ordered AES Ohio to file a responsive pleading within 20 days of September 18, 2020.

{¶ 6} On October 30, 2020, AES Ohio filed both a motion for leave to file its answer out of time and its answer to the complaint. Ohio Adm.Code 4901-1-13(A) provides that “extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown.” Respondent stated that an oversight on its part, along with then recent developments related to the COVID-19 pandemic, resulted in its failure to timely file an answer.

{¶ 7} The attorney examiner, by Entry, both scheduled a telephonic settlement conference to be held on December 8, 2020, and granted AES Ohio’s motion for an extension of time to file its answer. The settlement conference was held as scheduled but the parties were unable to settle the matter.

{¶ 8} On October 19, 2021, AES Ohio filed a motion to dismiss the case on grounds that the complaint concerns only AES Ohio’s residential customer charge, which it is lawfully able to charge as it was approved by the Commission in Case No. 15-1830-EL-AIR and is set forth in Tariff Sheet No. D17. *In re The Dayton Power and Light Company for an Increase in its Electric Distribution Rates*, Case No. 15-1830-EL-AIR, et al., Opinion and Order (Sept. 26, 2018) at ¶ 52.

{¶ 9} On February 22, 2023, AES Ohio filed a motion to dismiss or alternatively a motion for a status conference, citing that it has had no contact from Mr. Poeppelmeier since the settlement conference. AES Ohio argues that after appearing at the settlement conference, Complainant has made no effort to engage with AES Ohio for settlement discussions or otherwise prosecute his case, so it should therefore be dismissed.

{¶ 10} Accordingly, if Mr. Poeppelmeier intends to prosecute this complaint, he shall file a response to AES Ohio’s February 22, 2023 motion to dismiss no later than May 10, 2023. Failure to respond by this date may result in dismissal of the complaint for failure to prosecute the matter.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Mr. Poepelmeier shall file a response as specified in Paragraph 10 no later than May 10, 2023. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

GNS/dr

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in

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

Summary: Attorney Examiner Entry ordering that Mr. Poeppelmeier file a response to AES Ohio's February 22, 2023 motion to dismiss no later than May 10, 2023 electronically filed by Debbie S. Ryan on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio.