

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Joel Berry,)	
)	
Complainant,)	
)	
v.)	Case No. 98-410-EL-CSS
)	
The Dayton Power & Light Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On March 12, 1998, Joel Berry (Complainant) filed a complaint with the Commission against The Dayton Power & Light Company (DP&L, Respondent). Complainant alleges that DP&L has violated Rule 4901:1-9-07, Ohio Administrative Code (O.A.C.), by failing to offer a rural line extension plan as is required by that rule. On the same date, the Secretary of the Commission served a copy of the complaint on Respondent.
- (2) By Entry dated March 18, 1998, the Attorney Examiner assigned to this case scheduled this matter for a prehearing conference to be held on April 8, 1998.
- (3) On March 31, 1998, Respondent filed both its answer and a motion to dismiss this case.
- (4) On April 1, 1998, the Attorney Examiner assigned to conduct the prehearing conference in this case granted an oral request of the parties to continue the prehearing from April 8, 1998, to April 16, 1998. At the prehearing conference on April 16, 1998, the parties did not reach a settlement. The parties did, however, continue negotiations after the prehearing conference.
- (5) On June 24, 1998, Complainant filed a motion, noting that it had reached an agreement with Respondent resolving the issues raised in these proceedings and requesting that this case be dismissed with prejudice.

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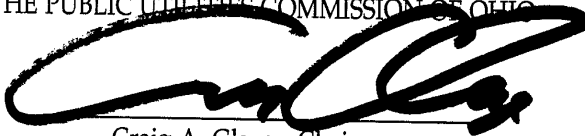
- (6) There being no issues remaining to be resolved, Complainant's motion to dismiss this case with prejudice should be granted.

It is, therefore,

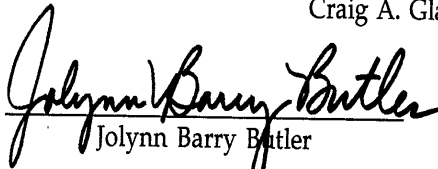
ORDERED, That the motion filed by Complainant on June 24, 1998, requesting that this case be dismissed with prejudice be granted and that this case be closed as a matter of record. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

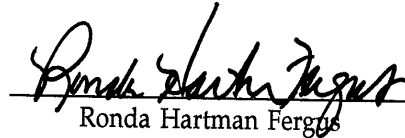
THE PUBLIC UTILITIES COMMISSION OF OHIO



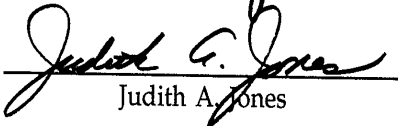
Craig A. Glazer, Chairman



Jolynn Barry Butler



Ronda Hartman Fergus



Judith A. Jones

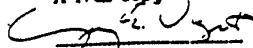
Donald L. Mason

SJD/vrh

Entered in the Journal

JUL 7 1998

A True Copy



Gary E. Vigorito
Secretary

SERVICE NOTICE

PAGE 1

CASE NUMBER 98-410-EL-CSS
CASE DESCRIPTION JOEL BERRY/DAYTON POWER & LIGHT
DOCUMENT SIGNED ON July 7, 1998
DATE OF SERVICE July, 7, 1998

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANT

Joel Berry
9779 Township Road 29
East Liberty, OH 43319

PEGGY KIRK HALL
SCHULZE & PHILLIPS
110 S. MAIN STREET
P.O. BOX 562
MARYSVILLE, OH 43040

RESPONDENT

DAYTON POWER & LIGHT COMPANY
P.O. BOX 8825
DAYTON, OH 45401

NONE

ATHAN A. VINOLUS
TRIAL ATTORNEY
DAYTON POWER & LIGHT COMPANY
P.O. BOX 8825
DAYTON, OH 45401