

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of John A. Reed,

Complainant,

v.

The Dayton Power and Light Company,

Respondent.

Case No. 96-1055-EL-CSS

ENTRY

The Attorney Examiner finds:

- (1) On October 8, 1996, John A. Reed (Complainant) filed a complaint with the Commission against Dayton Power and Light Company (DP&L, Respondent). Complainant alleges that DP&L is overbilling his residential account for electric service. Complainant believes this overbilling is either due to a misreading of the meter or to the improper billing of service from another address.
- (2) Pursuant to Rule 4901-9-01, Ohio Administrative Code (O.A.C.), the Secretary of the Commission served a copy of the complaint on Respondent and directed Respondent to file an answer to the complaint, along with any responsive motion, with the Commission and to serve a copy of the answer and any motion upon the Complainant.
- (3) Respondent filed its answer, a motion to dismiss, and a motion requesting mediation on October 29, 1996.
- (4) By Entry dated November 14, 1996, the Attorney Examiner assigned this case set this matter for a settlement conference to be conducted on December 3, 1996. The purpose of the settlement conference was to determine whether, with the assistance of a Commission mediator, the parties can informally resolve this matter.

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- (5) At the request of the parties, the Attorney Examiner postponed the December 3, 1996, settlement conference indefinitely, pending negotiations between the parties.
- (6) Respondent informed the Attorney Examiner in early 1997 that it had discussed settlement with Complainant and had made some changes that the Complainant requested. Respondent has more recently informed the Attorney Examiner that, subsequent to these early discussions, it lost track of the Complainant. According to DP&L, Complainant's telephone has been disconnected and the premises where he received service appear vacant. According to these more recent updates by DP&L, Respondent has made repeated and unsuccessful attempts to contact Complainant to pursue settlement talks.
- (7) It appears to this Attorney Examiner that this case should be dismissed for lack of prosecution.
- (8) John A. Reed should notify the Commission by the close of business on October 7, 1997, whether he wishes to pursue this complaint. If Mr. Reed fails to notify the Commission by that date, the Attorney Examiner will recommend to the Commission that this complaint be dismissed for lack of prosecution.

It is, therefore,

ORDERED, That John A. Reed notify the Commission by the close of business on October 7, 1997, whether he wishes to pursue this complaint. It is, further,

ORDERED, That a copy of this Entry be served upon The Dayton Power and Light Company by regular mail and upon Complainant by both regular mail and by certified mail, return receipt requested.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Entered in the Journal

SEP 16 1997

A True Copy

Gary E. Vigorito

Secretary



By: Steven J. Deerwester
Attorney Examiner

/vrh



SERVICE NOTICE

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CASE NUMBER 96-1055-EL-CSS
CASE DESCRIPTION JOHN REED/DP&L
DOCUMENT SIGNED ON September 16, 1997
DATE OF SERVICE 9-17-97

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANT

JOHN A. REED
130 W. FAIRVIEW AVE.
DAYTON, OH 43405

NONE

RESPONDENT

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

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DAYTON POWER & LIGHT COMPANY
P.O. BOX 8825
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