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DP&L

December 7, 2009

Docketing Department
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus, Ohio 43266-0572

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PUCO

Re: Case No. 09-1819-EL-CSS

To Docketing:

Please accept for filing an original and eleven copies of the Dayton Power and Light Company's Answer in this case. I would appreciate your time-stamping the extra copy and returning it in the enclosed self-addressed envelope.

Sincerely,



Edward N. Rizer

cc: Jason Phillip Walker
Rion, Rion & Rion, L.P.A., Inc.
130 W. Second St., Ste 2150
Dayton, Ohio 45402

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

James Struewing)	
)	
v.)	Case No. 09-1819-EL-CSS
)	
The Dayton Power)	
and Light Company)	

**ANSWER OF THE
DAYTON POWER AND LIGHT COMPANY**

The Dayton Power and Light Company (DP&L), in response to a complaint filed in this docket by James Struewing (Complainant), hereby files this answer.

1. DP&L is either without knowledge of, or denies, the facts and accusations reported by Complainant. Without waiving this denial, DP&L will respond more specifically as follows.
2. On September 21, 2004, service in the names of Mr. Struewing and Margene Struewing for a barn located at 12200 Gerlaugh Road, Medway, Ohio, was disconnected for non-payment.
3. The barn had been metered by a "CT" meter. CT meters are used at facilities with high load and they meter a fixed portion of the load used at the facility. That portion is then multiplied by a number which gives the total amount of electricity

used. Following collection notices to the customer and bills showing a past due balance, this meter was disabled so that electricity could no longer pass through the meter. However, since not all electricity used at this location passed through the meter, even after the meter was disabled electricity was still connected to the service enabling the customer to use unmetered electricity.

4. In July 2009 electricity to the barn, including a night guard (a streetlight or parking lot type light) was found to be active, though service had not been paid for. Based on previous usage, the Struewings were billed an average of \$110 per month plus an average of \$8.50 per month for the night guard for consumption from September 21, 2004 through July 24, 2009. The total amount was \$6851.32.
5. Mr. Struewing continued to use electricity after receiving notice that the account was to be disconnected. In fact, several days after the meter was disconnected Mr. Struewing was sent a bill marked "FINAL," which he paid. DP&L is using the best method available to it to calculate the unmetered consumption. Had Mr. Struewing not improperly used electric service, the accuracy of the bill rendered when he was caught would not be an issue.

Wherefore, DP&L moves the Commission to dismiss this Complaint or, in the alternative, DP&L requests the opportunity to mediate this Complaint with Mr. Struewing to reach an amicable resolution.

Respectfully submitted,



Edward N. Rizer (#0029567)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via ordinary U.S. Mail to Jason Phillip Walker, Rion, Rion & Rion, L.P.A., Inc., 130 W. Second St., Ste 2150, Dayton, Ohio 45402, attorney for James Struewing, this 27th day of December, 2009.



Edward N. Rizer
#0029567