

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James
Struewing,

Complainant,

v.

The Dayton Power and Light Company,

Respondent.

Case No. 09-1819-EL-CSS

ENTRY

The attorney examiner finds:

- (1) On November 18, 2009, James Struewing (complainant) filed a complaint against The Dayton Power and Light Company (DP&L), alleging that DP&L improperly billed him for electricity passing through a meter connected to a barn located on complainant's property. Specifically, complainant states that on approximately July 24, 2009, DP&L disconnected the barn meter, and subsequently, complainant received a bill in excess of \$7,000.00 for electricity that is owed due to improper metering over the last 5 years. Complainant asserts that given the limited number of items drawing electricity through the barn meter, DP&L's estimated usage is improper, arbitrary, and inaccurate.
- (2) On December 8, 2009, DP&L filed its answer to the complaint, as well as a motion to dismiss, denying the allegations in the complaint. In its answer, DP&L states that, in approximately 2004, complainant's barn meter had been disconnected due to non-payment. According to DP&L, the barn meter was a "CT" meter, and even after disconnection of the meter, electricity still passed through to the complainant's property. DP&L asserts that complainant continued to use electricity after the meter itself was disconnected and was not billed for that usage.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness

to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for February 24, 2010, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a settlement conference be scheduled for February 24, 2010, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

gaf
/dah

Entered in the Journal

JAN 07 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary