

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James	)	
Struewing,	)	
Complainant,	)	
	)	
v.	)	Case No. 09-1819-EL-CSS
	)	
The Dayton Power and Light Company,	)	
	)	
Respondent.	)	

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 DP&L stated was due on the account because of 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) By entry of January 7, 2010, a settlement conference was scheduled in this case for February 24, 2010. At the request of the parties, the February 24, 2010, settlement conference should be rescheduled for

March 31, 2010, at 10:00 a.m., at the offices of the Commission, 12<sup>th</sup> Floor, Room 1246, 180 East Broad Street, Columbus, Ohio 43215.

- (4) The purpose of the 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. The parties should bring with them all documents relevant to this matter.
- (5) In the event that a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues at the conclusion of the settlement conference. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (6) Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (7) 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.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the February 24, 2010, settlement conference should be rescheduled for March 31, 2010, at 10:00 a.m., at the offices of the Commission, 12<sup>th</sup> Floor, Room 1246, 180 East Broad Street, Columbus, Ohio 43215. 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

gah

Entered in the Journal

**FEB 24 2010**

Renee J. Jenkins

Renee J. Jenkins  
Secretary