

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Bobbie)
S. Maust,)
)
 Complainant,)
)
 v.) Case No. 12-1531-EL-CSS
)
 Border Energy Electric service,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On May 11, 2012, Bobbie S. Maust (complainant) filed a complaint against Border Energy Electric Services, Inc. (Border Energy), alleging that Border Energy has failed to explain its billing statement to the complainant. As a result, the complainant has been left confused about bills she has received which indicate that she owes charges for electrical service to both the respondent and to American Electric Power (AEP). The complainant indicates that she let Border Energy know that she "wanted to disconnect them because of confusion with the billing statement." Although the complaint does not specifically allege that Border Energy has ever threatened to disconnect her electrical service for nonpayment of charges owed to Border Energy, nevertheless, the complainant expresses concern that because of her husband's medical condition, she would be severely impacted by any threat of electrical service disconnection for nonpayment.
- (2) On June 4, 2012, Border Energy filed its answer to the complaint. In its answer, Border Energy indicates that, as a participant in AEP's Electric Choice Program, Border Energy supplied the complainant with electrical service as a Competitive Retail Electric Service Provider (CRES). The respondent submits that, in October 2011, the complainant selected Border Energy as the CRES for her electrical power usage while, at the same time, the complainant continued to receive certain services from AEP. The respondent

further submits in its answer that, prior to filing the complaint, the complainant notified Border Energy that she wanted to discontinue with AEP's Electric Customer Choice program. Likewise, according to the respondent's answer, before the complaint was filed, Border Energy ceased providing CRES services to the complainant. Border Energy further asserts that, currently, it is not the CRES provider for the complainant's electrical service. Border Energy denies that it has ever notified the complainant that Border Energy would disconnect her electrical service due to nonpayment or due to a past due amount.

- (3) The respondent states that, upon information and belief, at the time when the complainant elected to participate in AEP's Electric Choice Program, and before Border Energy supplied any CRES services to the complainant, the complainant had a significant unpaid balance owed to AEP, and the complainant had negotiated a payment plan arrangement with AEP, none of which involved Border Energy. The respondent asserts, upon information and belief, that AEP notified the complainant that AEP would disconnect her electrical service due to a past due amount. However, the respondent claims that it lacks knowledge or information sufficient to form a belief: as to AEP's disconnection notice; as to the complainant's payment history with AEP; as to the complainant's efforts to avoid disconnection, including the complainant's spouse's medical needs. Border Energy indicates in its answer that it lacks knowledge or information to form a belief as to the amount that the complainant currently owes to AEP for electrical service, as that calculation is dependent upon payment plan information between AEP and the complainant and concerns matters billed to the complainant by AEP for AEP's services.
- (4) Further answering, the respondent indicates that Border Energy and AEP, through Columbus Southern Power and Ohio Power Company, are parties to agreements that permit Columbus Southern Power and Ohio Power Company to issue consolidated bills to applicable customers, including the complainant. Border Energy denies that it has failed to explain to the complainant the specific charges attributable to Border Energy's CRES services that appear on the complainant's consolidated bills generated by AEP. The respondent claims to lack knowledge or information sufficient to form a belief as to any of the charges appearing on the complainant's consolidated electricity bill other than those

attributable to Border Energy's generation and transmission of electrical energy. The respondent notes that the complainant has not alleged that any of Border Energy's CRES charges were incorrect or inaccurate, and indeed, Border Energy specifically denies that any of its billing charges to the complainant were improper or incorrect.

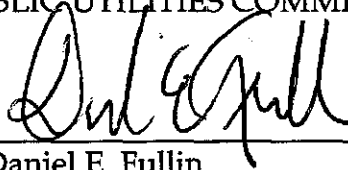
- (5) The attorney examiner finds that this matter should be scheduled for a settlement conference. Accordingly, a prehearing settlement conference shall occur as a teleconference that will be conducted over the Commission's telephone bridge line on June 25, 2012, at 10:00 a.m. The parties are instructed to participate in the teleconference by calling the Commission's bridge line, namely, 614-644-1099 at 10:00 a.m., on June 25, 2012. It is understood that the complainant will make use of video relay service in order to participate in the teleconference.
- (6) 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 (O.A.C.), 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 discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (7) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties participating in the settlement conference should have available to them, during the call, all documents relevant to this matter.
- (8) 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 a prehearing settlement conference is hereby scheduled to occur as a teleconference that will be conducted over the Commission's telephone bridge line. The parties are instructed to participate in the teleconference by calling the Commission's bridge line, namely, 614-644-1099 at 10:00 a.m., on June 25, 2012. It is understood that the complainant will make use of video relay service in order to participate in the teleconference. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

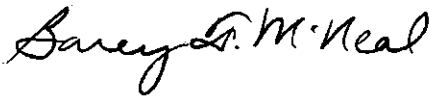


By: Daniel E. Fullin
Attorney Examiner

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JUN 11 2012



Barcy F. McNeal
Secretary