

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Jiles N. )  
Hale, Jr., )  
 )  
Complainant, )  
 )  
v. ) Case No. 13-407-EL-CSS  
 )  
The Dayton Power and Light Company, )  
 )  
Respondent. )

ENTRY

The attorney examiner finds:

- (1) On February 11, 2013, Jiles N. Hale, Jr. (complainant) filed a complaint against the Dayton Power and Light Company (DP&L or respondent). Mr. Hale alleges that DP&L installed a gas line near his property and that water now drains in a direction that causes damage to his property. Mr. Hale wants DP&L to restore a drainage ditch to prevent further water damage.
- (2) DP&L filed an answer to the complaint on February 26, 2013. For its answer, DP&L points out that it does not install gas lines and, therefore, it is unclear that DP&L is a proper party. DP&L moves to dismiss the complaint but seeks mediation in the event that the Commission denies the motion.
- (3) At this time, 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 (O.A.C.), any statement 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 May 16, 2013, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. 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) 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 attending 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 attending the settlement conference should bring with them all documents relevant to this matter.
- (6) 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.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on May 16, 2013, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/L. Douglas Jennings

By: L. Douglas Jennings  
Attorney Examiner

JRJ/vrm

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 13-0407-EL-CSS**

Summary: Attorney Examiner Entry scheduling a 10:00 a.m. settlement conference for 05/16/2013 at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, OH. - electronically filed by Sandra Coffey on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio