

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
James and Rene Boyer,)	
)	
Complainants,)	
)	
v.)	Case No. 13-1638-GE-CSS
)	
The Dayton Power and Light)	
Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On July 15, 2013, James and Rene Boyer (complainants) filed a complaint against The Dayton Power and Light Company (DP&L), alleging that, since 1996, complainants have been billed the wrong rate by DP&L. Complainants assert that DP&L failed to establish their account under the correct "all electric" rate and instead applied a "gas/electric" rate, although complainants state that they reside in an all electric home. Complainants seek a credit for the alleged overcharges that occurred from 1996 through June 30, 2013, plus interest of three percent.
- (2) On August 5, 2013, DP&L filed an answer to the complaint. In its answer, DP&L denies, or claims insufficient knowledge to ascertain the veracity of, all of the allegations of wrongdoing as described in the complaint. DP&L asserts that, at all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs. DP&L concludes that the complaint should be dismissed.
- (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, 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.

- (4) Accordingly, a settlement conference shall be scheduled for September 5, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) All parties attending the settlement 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, complainants have 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 scheduled for September 5, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 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

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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8/9/2013 12:22:22 PM

in

Case No(s). 13-1638-GE-CSS

Summary: Attorney Examiner Entry ordered a settlement conference for 09/05/2013, 10:00 a. m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio