

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Bruce Snyder,)	
)	
Complainant,)	
)	
v.)	Case No. 13-2031-EL-CSS
)	
First Energy Solutions,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 2, 2013, Bruce Snyder (Mr. Snyder) filed a complaint against FirstEnergy Solutions (FES), alleging that on May 22, 2013, he applied online at the FES website for a \$.0536 per KWh rate for three years. He adds that he received a letter on May 30, 2013, which stated that FES had difficulty enrolling his account, and requesting that he contact FES. Mr. Snyder states that he called FES on May 31, 2013, verified with a service representative that the aforementioned rate offer was still valid, and that service would begin in June 2013. He also contends that during the May 31, 2013, call he confirmed with the FES representative that he was a Dayton Power & Light (DPL) customer. However, he emphasizes, his subsequent June-July 2013 DPL bill did not reflect the \$.0536 per KWh rate.

Mr. Snyder states that he contacted FES again on July 29, 2013, and was informed that the problem would be corrected and that he would be enrolled as soon as possible. When this did not occur, he asserts, he called FES on August 5, 2013, and was informed that the offer that he had applied was only available to Duke Energy Ohio (Duke) customers. He adds that eventually FES offered him a rate of \$.0594 per KWh, which he declined.

Mr. Snyder contends that FES agreed to \$.0536 per KWh on May 31, 2013, while knowing that he was a DPL customer.

He seeks compensation for the additional expense of paying a higher KWh rate, as well as for the time, copying/ mailing costs, and telephone calls involved while attempting to resolve the issue.

- (2) FES filed its answer on October 22, 2013. FES admits that Mr. Snyder applied for electric service at \$.0536 per KWh and that he was a DPL customer, but contends that rate was available only for Duke customers. FES adds that Mr. Snyder's application was rejected because he was not a Duke customer, and that he was informed of this by letter. FES admits that Mr. Snyder was offered a rate of \$.0594 per KWh, which he rejected, and asserts that Mr. Snyder "was offered reimbursement for lost savings."
- (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 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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for December 17, 2013, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference 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) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 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 scheduled for December 17, 2013, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference 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/James Lynn

By: James M. Lynn
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-2031-EL-CSS

Summary: Attorney Examiner Entry orders a settlement conference for 12/17/2013 at 10:00 a. m. at the Commission offices on 180 E. Broad St., 12th Flr., Rm. 1246, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio