

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Jeffrey Gardner,)
)
Complainant,)
)
v.) Case No. 14-1090-EL-CSS
)
Ohio Power Company dba AEP Ohio,)
)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On June 13, 2014, Jeffrey Gardner (Complainant) filed a complaint against Ohio Power Company dba AEP Ohio (AEP). Complainant alleges that while AEP repaired power lines and replaced a pole near his property, AEP pulled the wire connected to his residence, causing a porcelain wire holder attached to his home to loosen and nearly fall off. He contends that AEP is responsible, because when he last checked the porcelain wire holder prior to June 2012, "it was perfectly attached to our home." He adds that there have been no major storms that could have blown the line hard enough to pull the porcelain wire holder loose.
- (2) AEP filed its answer on July 7, 2014. AEP denies the allegations made in the complaint. AEP adds that Complainant failed to produce any evidence supporting his contentions. Further, AEP asserts, many circumstances could have caused the porcelain wire holder to become loose, including the severe storms that occurred in central Ohio in summer 2012.
- (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 Ohio Adm.Code 4901-1-26, 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 July 30, 2014, 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 Ohio Adm.Code 4901-1-26(F) 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 July 30, 2014, 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 M. Lynn

By: James M. Lynn
Attorney Examiner

sef/vrm

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in

Case No(s). 14-1090-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for July 30, 2014, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio