

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Michael )  
and Kaye Sherman, )  
 )  
Complainants, )  
 )  
v. ) Case No. 14-883-EL-CSS  
 )  
The Dayton Power and Light Company, )  
 )  
Respondent. )

ENTRY

The attorney examiner finds:

- (1) On May 16, 2014, Michael and Kaye Sherman (Complainants) filed a complaint against the Dayton Power and Light Company (DP&L or Respondent). The Complainants allege that DP&L overcharged them for electric service. They seek to have their bill adjusted. The Complainants allege that DP&L informed them that their bill estimates were low because of the unusual winter conditions.

The Complainants challenge the amount of electricity use billed by DP&L, claiming that they did not heat with electricity and have never used the amount reported by DP&L. In support of their claim, the Complainants state that their highest bill was for 2060 kWh in April 2013. The Complainants allege that month was an exception because of a home renovation project requiring the use of power tools for extended periods of time. Believing that they have been overcharged, the Complainants request that DP&L reduce its bill.

- (2) DP&L filed an answer to the complaint on June 2, 2014. In its answer, DP&L denied all material allegations and moved to dismiss the complaint.
- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary

hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner with the Commission's Legal Department will facilitate the settlement process.

- (4) Accordingly, a settlement conference shall be scheduled for August 28, 2014, at 10:00 a.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may 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 Respondent 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 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 August 28, 2014, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th 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**

**Commission of Ohio Docketing Information System on**

**7/22/2014 3:40:39 PM**

**in**

**Case No(s). 14-0883-EL-CSS**

Summary: Attorney Examiner Entry scheduling August 28, 2014, settlement conference; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio