

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the JML Property)	
Management LLC, Ernest and Nadine)	
Pasquot,)	
)	
Complainant,)	Case No. 14-1550-EL-CSS
)	
v.)	
)	
The Dayton Power and Light Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 4, 2014, Complainants, JML Property Management, LLC (JML), and Ernest and Nadine Pasquot, filed a complaint against Respondent, The Dayton Power and Light Company (DP&L). Briefly summarized, the complaint alleges that bills for electric service at a particular DP&L service address managed by JML, increased abnormally during the period between November 2013, and April 2014, even though the property unit at the involved service address was vacant throughout the period and the meter serving it was, during the same period, checked and reported as operating properly. The complaint further alleges that after the meter was changed, in April 2014, the amount of the bill dropped to less than five dollars and has since remained normal. The relief sought by Complainants is "cancellation of [the] old balance."
- (2) DP&L filed its answer on September 19, 2014. In its answer, DP&L admits that the bill covering the 35-day period from December 16, 2013, to January 20, 2014, was higher than the preceding bill covering the 28-day period from November 18, 2013, to December 16, 2013. However, DP&L submits that temperatures experienced during the named 35-day billing period were significantly colder than those experienced during the preceding 28-day billing period. DP&L admits that a meter check was requested and performed on March 8, 2014. That meter check, alleges DP&L, confirmed, by testing with a known

load, that the meter was operating properly and registering actual usage correctly. Further answering, DP&L admits that, on March 24, 2014, a new meter was installed at the involved service address "as part of an ongoing project to upgrade to a newer model on DP&L's system." In its answer, DP&L affirmatively states that "this meter change was not related to any alleged inaccuracy in meter registrations of usage." Further, DP&L alleges that, during a July 16, 2014, phone call, a representative of Complainant told a DP&L customer service representative that "the wiring associated with electric heating equipment" that was in use at the service address during period in question "was faulty." Finally, in its answer, DP&L raises several affirmative defenses, including: (a) that JML lacks standing to bring this complaint in that it is not the customer of record at the involved service address; (b) that the complaint does not set forth a claim for which relief may be granted; (c) that the complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26; and that at all times relevant to the complaint, DP&L complied with all applicable laws, regulations, and its own tariffs.

- (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 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 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 November 13, 2014, at 10:00 a.m. in Conference Room 1247 of 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 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 November 13, 2014, at 10:00 a.m. in Conference Room 1247 of 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 14-1550-EL-CSS

Summary: Attorney Examiner Entry that a settlement conference be held on November 13, 2014, at 10:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215; electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.