

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Donald D. Rhodes,)
)
 Complainant,)
)
 v.) Case No. 14-1695-EL-CSS
)
Ohio Power Company,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On September 26, 2014, Complainant, Donald D. Rhodes, filed a complaint against Respondent, Ohio Power Company (Ohio Power). Briefly summarized, the complaint alleges Complainant was charged unfairly by Respondent for electric service over a three-month period, during which his “actual” meter readings were first lowered and then raised by Respondent. Complainant further alleges that a year ago, Respondent refused to change his meter but, more recently, changed the meter without cause.
- (2) On October 16, 2014, Ohio Power filed its answer, denying all of the allegations of the complaint. In its answer, Ohio Power raises several affirmative defenses, including: (a) that the complaint fails to set forth reasonable grounds for complaint; (b) that Ohio Power has breached no legal duty owed to Complainant; (c) that the complaint does not set forth a claim for which relief may be granted; and (c) that the complaint fails to identify any Commission rule or regulation that Ohio Power has violated.
- (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 18, 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 18, 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). 14-1695-EL-CSS

Summary: Attorney Examiner Entry that a settlement conference be held on November 18, 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.