

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 that 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 and raising several affirmative defenses.
- (3) By Entry issued October 24, 2014, a prehearing settlement conference was scheduled to occur on November 18, 2014. The Complainant failed to appear at the scheduled prehearing settlement conference, informing the mediating attorney examiner that he never received notice of the conference.
- (4) The attorney examiner finds that a settlement conference in this matter should be rescheduled. 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.

- (5) Accordingly, a settlement conference shall be scheduled for January 7, 2015, 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.
- (6) 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.
- (7) 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 January 7, 2015, 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 Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/18/2014 9:52:37 AM**

**in**

**Case No(s). 14-1695-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 01/07/2015 at 10:00 a.m. in accordance with Finding (5). - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio