

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Brandon Heipp,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-388-EL-CSS
	)	
Ohio Power Company d/b/a AEP	)	
Ohio,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On February 20, 2015, Complainant, Brandon Heipp, filed a complaint against Respondent, Ohio Power Company d/b/a AEP Ohio (AEP Ohio). The complaint alleges that, in November 2014, Respondent billed Complainant for \$413.42 in back charges for May through October 2014, the entirety of the period during which Respondent provided service to Complainant at the involved service address. Complainant alleges that all of these back charges were based on estimated usage; that the usage estimates upon which the back charges are based are all excessive; and that Respondent has refused to explain how it arrived at these estimates. He further alleges that his more recent bills, based on actual metered usage, show that the complained-of usage estimates are unreasonable, in that the estimates of his usage during warmer, summer and fall periods exceed the amounts of his actual usage during colder, winter periods. Among other relief sought, Complainant seeks to have the Commission require AEP Ohio to eliminate or reduce the back charges that are the subject matter of his complaint, on grounds that they are based on unexplained and unreasonable usage estimates.
- (2) On March 6, 2015, AEP Ohio filed its answer, denying all of the allegations of the complaint and raising several affirmative defenses, including that the complaint fails to set forth reasonable grounds for complaint.

- (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 June 30, 2015, at 10:00 a.m. in Conference Room 1246 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 June 30, 2015, at 10:00 a.m. in Conference Room 1246 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

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/dah

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

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**in**

**Case No(s). 15-0388-EL-CSS**

Summary: Attorney Examiner Entry that a settlement conference be held on June 30, 2015, at 10:00 a.m. in Conference Room 1246 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.