

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Dave)	
Boyd d/b/a East Sparta Recreation,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1252-EL-CSS
)	
Ohio Power Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.
- (2) Ohio Power Company d/b/a AEP Ohio (AEP-Ohio) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.
- (3) On July 6, 2015, Dave Boyd d/b/a East Sparta Recreation (Sparta or Complainant) filed a complaint against AEP-Ohio to recover losses from electrical surges.
- (4) AEP-Ohio filed an answer and a motion to dismiss on July 17, 2015.
- (5) By Entry issued August 6, 2015, the attorney examiner scheduled this matter for a settlement conference to occur on September 1, 2015.
- (6) The Complainant failed to appear at the conference. To date, the Complainant has not explained his absence. Nevertheless, the attorney examiner shall schedule another settlement conference to provide the Complainant with another

opportunity to resolve this dispute without a formal hearing. If the Complainant does not appear or fails to provide good cause for failing to appear for the settlement conference, the attorney examiner will recommend that the complaint be dismissed.

- (7) The settlement conference shall be scheduled for October 21, 2015, at 1:00 p.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. 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.
- (8) 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.
- (9) 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 October 21, 2015, at 1:00 p.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That if the Complainant fails to appear for the settlement conference, or state good cause for his absence, the attorney examiner will recommend that the complaint be dismissed. 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

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in

Case No(s). 15-1252-EL-CSS

Summary: Attorney Examiner Entry scheduling October 21, 2015, settlement conference; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio