

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
KRIST BUSSART,**

**COMPLAINANT,**

**v.**

**CASE NO. 16-2149-EL-CSS**

**OHIO POWER COMPANY DBA AEP OHIO,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on December 13, 2016

{¶ 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} Respondent, Ohio Power Company dba 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 October 31, 2016, Krist Bussart (Complainant) filed a complaint against AEP Ohio. The complaint alleges, among other things, that:

- (a) Complainant was, as a customer of AEP Ohio, for some period of time, enrolled in the Percentage of Income Payment Plan (PIPP Plus). Later, when Complainant's income level changed, Complainant's participation in PIPP Plus was reevaluated and, in fact, ceased.

- (b) Even though Complainant's electric service usage has remained the same over the past five years, alleges Complainant, Respondent began charging Complainant "almost twice as much" for the same usage after Complainant's participation in PIPP Plus ceased.
- (c) In August 2016, Respondent allegedly shut off Complainant's power without proper cause, and, in doing so, both ignored documentation it possesses showing that Complainant has a medical need for electric service and, also, destroyed property belonging to Complainant's landlord.
- (d) Although acknowledging that service has been restored, Complainant claims Respondent is now overcharging for electric service and Complainant seeks to be reinstated in the PIPP Plus program.

{¶ 4} AEP Ohio filed its answer on November 22, 2016. In its answer, Respondent admits some and denies others of the allegations of the complaint and sets forth several affirmative defenses.

{¶ 5} 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 in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for January 31, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for January 31, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Daniel E. Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/dah

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

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**Case No(s). 16-2149-EL-CSS**

Summary: Attorney Examiner Entry ordering a settlement conference be scheduled for January 31, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.