

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
STEVEN N. BURDEN,**

COMPLAINANT,

v.

CASE No. 17-1090-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on May 16, 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, The Dayton Power and Light Company (DP&L or Company), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On April 18, 2017, Steven N. Burden (Complainant) filed a complaint against DP&L alleging inadequate service with regard to his eligibility for the Percentage of Income Payment Plan (PIPP) for electric service. Complainant requests that new procedures be instituted for determining PIPP re-certification, that he be placed back on the PIPP program without penalty, and that late fees be removed from his account. In addition, Complainant requests that his electric service not be disconnected. In support of this request, Complainant states that he and his family have multiple medical issues that require electricity for refrigerating medication, and for operating oxygen machines and other medical devices.

{¶ 4} DP&L filed its answer on May 8, 2017. In the answer, DP&L admits some allegations in the complaint. The Company also states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations as described in the complaint and therefore denies the same. In addition, DP&L sets forth in the answer several affirmative defenses.

{¶ 5} 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.

{¶ 6} Accordingly, a settlement conference shall be scheduled for June 29, 2017, at 1:30 p.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.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), 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.

{¶ 8} Pursuant to Ohio Adm.Code 4901-9-01(E), the attorney examiner finds that, in light of Complainant's statements concerning medical issues in his household, DP&L should not disconnect Complainant's electric service during the pendency of this complaint.

{¶ 9} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations in the complaint. *Grossman v. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be held on June 29, 2017, at 1:30 p.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 12} ORDERED, That DP&L not disconnect Complainant's electric service during the pendency of this complaint. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

JRJ/dah

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in

Case No(s). 17-1090-EL-CSS

Summary: Attorney Examiner Entry orders a settlement conference be held on June 29, 2017, at 1:30 p.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215; and that DP&L not disconnect Complainant's electric service during the pendency of this complaint. Entry electronically filed by Debra Hight on behalf of Kerry K. Sheets, Attorney Examiner.