

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT
OF CLINARD & ASSOCIATES LLC
ROGER CLINARD,**

COMPLAINANT,

v.

CASE No. 17-734-EL-CSS

**THE DAYTON POWER & LIGHT
COMPANY.,**

RESPONDENT.

ENTRY

Entered in the Journal on May 31, 2017

{¶ 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 & Light Company (DP&L), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} A complaint against DP&L was filed in this case on March 13, 2017, by Roger Clinard (Complainant), the owner of, and through a company named in the complaint as Clinard & Associates, LLC, the landlord of several multiunit apartment complexes in or near Englewood, Ohio. The complaint alleges, among other things, that DP&L:

- (a) Acted improperly, unlawfully, and unreasonably with regard to its handling of a disconnection and/or reconnection of utility service at one of Complainant's apartment units.

- (b) Has failed to follow DP&L's own notice procedures.
- (c) Has wrongfully and without sufficient explanation charged Complainant an investigative fee that should not be charged.
- (d) Has propounded explanations for how the disconnection/reconnection proceeded that, to date, still leave many unanswered questions.
- (e) Has been slow and unresponsive to Complainant's numerous attempts to work with DP&L to get his service and billing issues, as relates to the incidents described in the complaint, rectified.

{¶ 4} DP&L filed its answer on March 31, 2017. In its answer, Respondent admits some allegations in the complaint. DP&L 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} 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 June 20, 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 June 20, 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 Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-0734-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference in accordance with Paragraph 6. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio