

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

JUDE MCDOWELL)	
7565 West State Rt. 571)	
West Milton, Ohio 45383)	Case No. 17-1242-EL-CSS
)	
Complainant,)	
v.)	
)	
The Dayton Power and Light Company)	
1065 Woodman Drive)	
Dayton, Ohio 45432)	
)	
Respondent.)	

**ANSWER, MOTION TO DISMISS, AND REQUEST FOR MEDIATION OF THE
DAYTON POWER AND LIGHT COMPANY**

Now comes the Dayton Power and Light Company (“DP&L” or “Respondent”), by and through counsel, and for its answer to the Complaint filed in this docket by Jude McDowell (“Complainant”), hereby states as follows:

1. On or about May 12, 2017, the Public Utilities Commission of Ohio (“the Commission”) accepted for filing a Complaint by Complainant related to his request to turn on service at 7565 West State Route 571, West Milton, Ohio 45383 in his name.
2. DP&L admits that the Company has not established an account in Complainant’s name for the property located at 7565 West State Route 571, West Milton, Ohio 45383.
3. The Respondent, DP&L, denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations as described in the Complaint and therefore denies the same. At all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs.

FIRST AFFIRMATIVE DEFENSE

4. The Complainant fails to set forth reasonable grounds for complaint, as required by Section 4905.26, Revised Code.

SECOND AFFIRMATIVE DEFENSE

5. The Complainant fails to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

6. At all pertinent times, DP&L has complied with all relevant statutes, regulations, and approved tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

FOURTH AFFIRMATIVE DEFENSE

7. DP&L reserves the right to raise any additional affirmative defenses as warranted by discovery in this matter.

WHEREFORE, Respondent respectfully requests that the Commission dismiss this Complaint. To the extent that the Commission denies such motion, Respondent hereby requests the opportunity to mediate this issue with the Complainant to determine whether a mutually acceptable resolution is possible.

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

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Attorney for The Dayton Power and Light
Company

(willing to accept electronic service)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via ordinary mail,
postage prepaid, this 1st day of June, 2017 to the following:

Jude McDowell
7565 West State Rt. 571
West Milton, Ohio 45383

/s/ Michael J. Schuler

Michael J. Schuler

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in

Case No(s). 17-1242-EL-CSS

Summary: Answer Answer, Motion to Dismiss, and Request for Mediation of The Dayton Power and Light Company electronically filed by Gail A. Sims on behalf of The Dayton Power and Light Company and Jude McDowell