

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JAMES H. L. ALLEN,**

COMPLAINANT,

v.

CASE NO. 17-1440-EL-CSS

THE DAYTON POWER & LIGHT COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on July 19, 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} On June 13, 2017, James H. L. Allen (Complainant) filed a complaint against DP&L alleging that Respondent refuses to provide him electric service despite his medical need.

{¶ 4} DP&L filed its answer on July 3, 2017. In its answer, DP&L acknowledges that the complaint relates to electricity services at a particular address identified in the complaint; but otherwise denies all 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 Chapter 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 August 16, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, 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 August 16, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, 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

GAP/dah

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in

Case No(s). 17-1440-EL-CSS

Summary: Attorney Examiner Entry ordering a settlement conference be scheduled for August 16, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1247, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.