

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

KENNETH J. FAULKS SR.)	
6213 Constitution Dr.)	
Dayton, Ohio 45415)	Case No. 17-1569-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
Kenneth J. Faulks Sr. (“Complainant”), hereby states as follows:

1. On or about July 11, 2017, the Public Utilities Commission of Ohio (“the
Commission”) accepted for filing a Complaint by Complainant related to a night light
charged to the account associated with the address at 6213 Constitution Dr., Dayton,
Ohio 45415.

2. 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

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

SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

5. 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

6. The Complainant's claims are time-barred.

FIFTH 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)

*Counsel of Record

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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 31st day of July, 2017 to the following:

KENNETH J. FAULKES, SR.
6213 Constitution Dr.
Dayton, Ohio 45415

/s/ Michael J. Schuler

Michael J. Schuler

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in

Case No(s). 17-1069-GE-UNC, 17-1569-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 Kenneth J. Faulks