

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**MOSHE SIMOVITCH
9 Regent St. #517
Jersey City, NJ 07302**

Complainant,

v.

**The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432**

Respondent.

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Case No. 18-0051-EL-CSS

**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” or “the Company”), by and through counsel, and for its answer to the Complaint filed in this docket by Moshe Simovitch (“Complainant”), hereby states as follows:

1. On or about January 4, 2018, the Public Utilities Commission of Ohio (“the Commission”) accepted for filing a Complaint by Complainant alleging generally that DP&L improperly charged Complainant.
2. DP&L admits that the meter associated with account 87890184831 for the property located at 3445 W. Alex Bell Rd. Apt. 1, Dayton, Ohio 45449 was not functioning properly.
3. DP&L admits that it installed a new meter at the property located at 3445 Alex Bell Rd. Apt. 1, Dayton, Ohio 45449 on June 12, 2017.
4. 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

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

SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

7. 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

8. 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 DP&L from 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

The Dayton Power and Light Company

1065 Woodman Drive

Dayton, OH 45432

Telephone: (937) 259-7358

Facsimile: (937) 259-7178

Email: michael.schuler@aes.com

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 24th day of January, 2018 to the following:

Moshe Simovitch
9 Regent St. #517
Jersey City, NJ 07302

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

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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 Moshe Simovitch