

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
J. DAN SHERWIN,**

COMPLAINANT,

v.

CASE NO. 18-583-EL-CSS

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on July 9, 2018

{¶ 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} Ohio Power Company, dba AEP Ohio, (AEP or Respondent) 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, 2018, J. Dan Sherwin (Mr. Sherwin or Complainant) filed a complaint against AEP alleging unfair business practices and procedures. According to the complaint, Mr. Sherwin received a bill from AEP for \$860.15 on April 10, 2018. Complainant alleges that he was rebilled for the months of January, February, and March. Complainant states that the usage tracked by AEP during these months was a substantial increase over previous bills, which were consistently around \$100. Complainant emphasizes that since moving into the premises in July 2017, his monthly usage had never exceeded 600 kWh, but the bills for January, February, and March reflected 2,720 kWh, 2,635 kWh, and 2,466kWh, respectively. Complainant specifies that the recorded usage during March is inaccurate,

because he only occupied the premises for four days in March. Complainant lastly alleges that AEP installed a smart meter at his premises, that he was not formally given the option to refuse a smart meter, and that the new smart meter is calibrated incorrectly.

{¶ 4} On July 2, 2018, AEP filed its answer to the complaint, denying the allegation that Complainant's electric bill was consistently around \$100 since July of 2017. AEP further denies the allegations that Complainant's monthly usage did not exceed 600 kWh before January 2018 and that Complainant was not given an opportunity to opt out of advanced metering infrastructure (AMI) meter installation. However, AEP admits that Complainant received a bill for \$860.15 in April, and that an AMI meter was installed on Complainant's property on March 29, 2018. AEP also raises several affirmative defenses in the answer.

{¶ 5} This matter will be scheduled for a settlement conference on Tuesday, August 14, 2018, at 10:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215, to explore the parties' willingness to negotiate a resolution of this Complaint in lieu of an evidentiary hearing. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues, including potential hearing dates, discovery deadlines, and possible stipulations of facts. In accordance with Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Pursuant to Ohio Adm.Code 4901-1-26(F), the Respondent's representatives shall investigate the issues raised in 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 requisite authority to settle those issues. In addition, parties

attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 7} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Luntz Corp. v. Pub. Util. Comm.*, 79 Ohio St.3d 509, 1997-Ohio-342, 347, citing *Grossman v. Pub. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966) and *Ohio Bell Tel. Co. v. Pub. Util. Comm.* (1984), 14 Ohio St.3d 49, 50, 14 OBR 444, 445, 471 N.E.2d 475.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a settlement conference be held on August 14, 2018, at 10:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Richard M. Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

JRJ/TMS/mef

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Case No(s). 18-0583-EL-CSS

Summary: Attorney Examiner Entry setting a settlement conference for 8/14/18 at 10:00am.
electronically filed by Ms. Mary E Fischer on behalf of Richard M. Bulgrin, Attorney Examiner,
Public Utilities Commission of Ohio