

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
KENNETH B. LOGAN,**

COMPLAINANT,

v.

CASE NO. 17-1943-EL-CSS

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on August 27, 2018

{¶ 1} On September 6, 2017, Kenneth B. Logan (Complainant) filed a complaint against Ohio Power Company (AEP-Ohio) alleging that AEP-Ohio committed a billing error.

{¶ 2} On September 26, 2017, AEP-Ohio filed an answer in which it denied the material allegations in the complaint.

{¶ 3} By Entry issued November 6, 2017, the attorney examiner scheduled a settlement conference to take place on December 6, 2017.

{¶ 4} The Complainant did not appear for the settlement conference. However, the parties engaged in negotiations and agreed to reschedule the settlement conference for December 18, 2017. After the settlement conference, AEP-Ohio filed a motion to dismiss the complaint with prejudice, stating that the parties had resolved all issues raised in the complaint.

{¶ 5} By Entry issued February 23, 2018, the attorney examiner provided the Complainant 20 days to confirm or reject that the parties reached a settlement.

{¶ 6} On March 7, 2018, the Complainant delivered, by facsimile machine, notice that he rejected the settlement agreement that he signed at the December 18, 2017 settlement conference.¹ The Complainant also added an allegation that electrical radiation was affecting the health of his son.

{¶ 7} By Entry issued May 2, 2018, the attorney examiner, scheduled this matter for a June 28, 2018 hearing.

{¶ 8} On June 28, 2018, an attorney for the Complainant filed a motion to continue the hearing for at least 30 days. In support of the motion, the Complainant's attorney stated that the Complainant retained him the day prior to the hearing. The attorney noted that he could not appear at the hearing because he was scheduled to appear in court at the time of the Commission hearing. The Complainant's attorney stated in his motion that he notified the Respondent's counsel concerning his inability to appear at the hearing and that he would request a continuance. The Complainant's attorney noted that opposing counsel did not oppose the motion.

{¶ 9} The attorney examiner finds that the motion to continue the hearing is reasonable and should be granted. Accordingly, the hearing in this matter shall be rescheduled to begin on September 26, 2018, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(l)(h) which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

¹ The Complainant's facsimile transmission was filed on May 2, 2018.

{¶ 11} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the Complainant's motion for continuance be granted. It is, further,

{¶ 14} ORDERED, That a hearing be held on September 26, 2018, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-1943-EL-CSS

Summary: Attorney Examiner Entry granting motion for continuance and scheduling hearing for 09/26/2018 - electronically filed by Sandra Coffey on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio