

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARILYN RANSBY,**

COMPLAINANT,

v.

CASE NO. 18-1518-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 8, 2018

{¶ 1} The Dayton Power and Light Company (DP&L) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} 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.

{¶ 3} On October 5, 2018, Marilyn Ransby (Ms. Ransby or Complainant) filed a complaint against DP&L alleging that DP&L unreasonably terminated electric services at her rental property located at 850 Catalpa Drive, Dayton, Ohio 45402 (the Property). Specifically, Ms. Ransby states that the Property was vandalized after a previous tenant moved out; however, Complainant states that when a new tenant moved in, a meter was attached to the Property, but electric service was shut off. As a result, Ms. Ransby states that she purchased a gas generator in order for the new tenant to have access to electricity. Ms. Ransby avers that DP&L insisted that the meter attached to the Property was stolen and that she return the stolen meter. Ms. Ransby states that she reached out to DP&L in hopes of a resolution, but to no avail.

{¶ 4} On October 25, 2018, DP&L filed its answer to the complaint, denying many of the allegations contained therein. DP&L admits that on March 13, 2018, the Company discovered that meter #4403665 was located at the Property, but belonged at 1252 Wilson Drive, Dayton, Ohio 45402. DP&L further admits that the Company removed the aforementioned meter from the Property. Additionally, DP&L raises several affirmative defenses, including, but not limited to, the following: Complainant fails to set forth reasonable grounds for complaint as required by R.C. 4905.26; Complainant fails to state a claim upon which relief can be granted; and DP&L has complied with all applicable rules, regulations, and orders of the Commission, and its tariffs.

{¶ 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 of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26(E), 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} Accordingly, a settlement conference shall be scheduled for December 20, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues, including discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) and 4901-9-01(H), the representatives of the public utility 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.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for December 20, 2018, at 10:00 a.m. at the Commission offices pursuant to Paragraph 6. 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/ Richard M. Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

JRJ/LLA/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/8/2018 11:35:13 AM

in

Case No(s). 18-1518-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 12/20/18 at 10:00am electronically filed by Ms. Mary E Fischer on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio