

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RON MOSLEY,**

COMPLAINANT,

v.

CASE No. 18-1226-EL-CSS

DAYTON POWER AND LIGHT COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on November 14, 2018

{¶ 1} 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 July 30, 2018, Ron Mosley (Complainant) filed a complaint against DP&L alleging that DP&L has engaged in unfair billing practices by double charging his account.

{¶ 4} On August 17, 2018, DP&L filed its answer to the complaint, denying many of the allegations contained therein. Additionally, DP&L raised 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; Complainant's claims are time-barred; Complaint's claims are barred by the doctrines of res judicata and collateral estoppel; the

PUCO lacks jurisdiction over this matter; and DP&L has complied with all applicable rules, regulations, and orders of the Commission, and its tariffs.

{¶ 5} A prehearing settlement conference was held on September 18, 2018; however, the parties were unable to settle the matter.

{¶ 6} On October 1, 2018, the attorney examiner set the matter for hearing commencing on November 29, 2018.

{¶ 7} On November 13, 2018, Complainant requested, by phone call, a continuance of the hearing until March 2019 due to scheduling conflicts. DP&L has no objection to the continuance.

{¶ 8} Due to scheduling conflicts the attorney examiner finds that the evidentiary hearing should be rescheduled. Accordingly, the evidentiary hearing should begin on March 7, 2019 at 10:00a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. Further, testimony shall be filed by February 21, 2019, in order to allow sufficient time for review and depositions prior to the hearing.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the evidentiary hearing be rescheduled, in accordance with Paragraph 8. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

JRJ/sc

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Case No(s). 18-1226-EL-CSS

Summary: Attorney Examiner Entry rescheduling evidentiary hearing to 03/07/2019 and directing further testimony to be filed by 02/21/2019 to allow sufficient time for review and depositions prior to hearing in accordance with Paragraph 8 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio