

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CHRISTIN SUMMERS & LARRY MOORE,**

COMPLAINANTS,

v.

CASE No. 18-1561-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on November 14, 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} Respondent, the Dayton Power and Light Company (DP&L), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On October 17, 2018, Christine Summers and Larry Moore (Complainants) filed a complaint against DP&L. The complaint alleges, among other things, that Complainants were, for years, unreasonably billed by DP&L for an outside night light service that DP&L never provided. Further, say Complainants, DP&L has steadfastly refused: (a) to refund amounts that Complainants paid for the night light service that was never provided; and (b) to cooperate with Complainants fairly in attempting to resolve this matter.

{¶ 4} On November 16, 2018, DP&L filed its answer to the complaint. In its answer, DP&L admits that, as a company, it has had multiple discussions about the night light with an individual claiming to be Christine Summers. Beyond that, DP&L denies, or denies for lack of knowledge, all remaining allegations of the complaint. DP&L, in its answer, sets forth several affirmative defenses.

{¶ 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 in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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 any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for December 11, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public 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 11, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 18-1561-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 12/11/2018 at 10:00 a.m. in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio