

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JUSTIN PALM,

COMPLAINANT,

v.

CASE NO. 18-1563-EL-CSS

**OHIO POWER COMPANY DBA AEP
OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on November 16, 2018

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company 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} The 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 October 18, 2018, Justin Palm (Mr. Palm or Complainant) filed a complaint against AEP, alleging inaccurately high bills during the winter months of 2014 to 2015. Specifically, Complainant states that his bills for December 2014 and January 2015 were both based on actual readings, but reflected higher usage amounts than the amount he consumed. The January bill reflected 13,573 kWh of usage. Following these bills, Mr. Palm ceased using his electric heaters, and entered into discussions with Respondent to replace the current meter. Mr. Palm contends that, following the March 2015 bill, Respondent altered earlier bills to reflect consistent usage. He adds that AEP replaced the meter on May 8, 2015, after which his electric consumption was significantly lower. According to the complaint, AEP ended negotiations approximately when the meter was replaced, and

Complainant received his first collections letter on May 31, 2018. Complainant states that his bills were significantly lower during the winter months of 2016. Mr. Palm seeks to have AEP remove the debts that he accrued as a result of failing to pay his allegedly high electric bills issued during winter months of 2014 to 2015.

{¶ 4} On November 6, 2018, AEP filed its answer. In its answer, AEP admitted that a bill was issued in January 2015 for 13,573 kWh of usage, but AEP avers that the meter was read incorrectly and the bill was later lowered to 9,308 kWh of usage. Respondent also states that Complainant's bills for December 2014 and January 2015 were based on actual readings. While Respondent admits to installing a new meter at Complainant's residence on May 8, 2015, Respondent denies that this was done at Complainant's request. AEP admits that it initiated collections activities to collect past due balances, but denies altering Complainant's bills and other allegations of Complainant. Additionally, Respondent raises several affirmative defenses and requests that the Commission dismiss the complaint with prejudice.

{¶ 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} The settlement conference shall be scheduled for December 5, 2018, at 10:00 a.m. at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. The parties should bring 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.

{¶ 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. 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 5, 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

JRJ/hac

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Case No(s). 18-1563-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission