

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DEAN A. ROBINSON,**

COMPLAINANT,

v.

CASE NO. 18-1539-EL-CSS

OHIO POWER COMPANY,

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 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, Ohio Power Company (AEP-Ohio), 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 10, 2018, Dean A. Robinson (Complainant) filed a complaint against AEP-Ohio, alleging that a neutral electrical line breakage between the pole and the meter to his residence led to a power surge that damaged his household items. The Complainant estimates the value of the items to be approximately \$2,000. As a remedy, the Complainant seeks compensation from AEP-Ohio.

{¶ 4} AEP-Ohio filed an answer to the complaint on October 30, 2018. AEP-Ohio admits that an underground service neutral serving the Complainant's house failed on August 26, 2018. When the Complainant called to report the problem, AEP-Ohio states that it dispatched an employee who found and replaced the failed neutral. AEP-Ohio denies liability for any loss or damage relating to the Complainant's personal property.

Asserting affirmative defenses, AEP-Ohio urges the Commission to dismiss the complaint.

{¶ 5} At this time, 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, 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 19, 2018, at 1:00 p.m. at the offices of the Commission, 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. 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 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. 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 held on December 19, 2018, at 1:00 p.m. at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 11} 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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Case No(s). 18-1539-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 12/19/18 at 1:00 p. m. in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio