

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
NED BUSHONG,**

COMPLAINANT,

v.

CASE NO. 18-1828-EL-CSS

**OHIO POWER COMPANY D/B/A AEP
OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on February 1, 2019

{¶ 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 d/b/a AEP Ohio (AEP Ohio), is a public utility as defined in R.C. 4905.02. As such, AEP Ohio is subject to the Commission's jurisdiction.

{¶ 3} On December 12, 2018, Ned Bushong (Complainant) filed a complaint against AEP Ohio. In the complaint, Complainant alleges that he does not want a smart meter in his home and that AEP Ohio has failed to show the benefits of installing a smart meter in his home. Complainant also alleges that the smart meter poses health and structural dangers to him, because he has a pacemaker, his wife, who has brain cysts, and his residence. Finally, Complainant alleges that he is able to email AEP Ohio a meter reading each month instead of having a smart meter or paying the smart meter opt-out fee.

{¶ 4} On January 2, 2019, AEP Ohio filed an answer. In the answer, AEP Ohio denies that smart meters present any health or other dangers to Complainant, his wife, and

his residence. Additionally, AEP Ohio sets forth affirmative defenses including that Complainant fails to state reasonable grounds for complaint.

{¶ 5} By Entry dated January 8, 2019, the attorney examiner scheduled a settlement conference in this matter for February 6, 2019.

{¶ 6} Complainant has informed the attorney examiner that he is unable to attend the February 6, 2019 settlement conference. Consequently, the attorney examiner now reschedules this conference for February 28, 2019, at 11:00 a.m. at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 7} The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of the complaint. As stated in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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.

{¶ 8} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 9} 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. 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, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 10} 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be held in accordance to Paragraph 6. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/1/2019 4:00:54 PM

in

Case No(s). 18-1828-EL-CSS

Summary: Attorney Examiner Entry rescheduling the settlement conference for 2/28/19 at 11:00am electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission