

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

COMPLAINANT,

CASE NO. 18-1539-EL-CSS

v.

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on February 27, 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 (AEP-Ohio or Company), is a public utility as defined in R.C. 4905.02. As such, AEP-Ohio is subject to the Commission's jurisdiction.

{¶ 3} On October 10, 2018, Dean A. Robinson (Complainant) filed a complaint against AEP-Ohio, alleging that a neutral electric line breakage between the pole and the meter to his residence led to a power surge that damaged his household items. As a remedy, 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 Complainant's house failed on August 26, 2018. However, AEP-Ohio denies liability for any loss or damage relating to Complainant's personal property. Asserting affirmative defenses, AEP-Ohio urges the Commission to dismiss the complaint.

{¶ 5} By Entry dated November 16, 2018, the attorney examiner scheduled a settlement conference to take place on December 19, 2018, in accordance with Ohio Adm.Code 4901-1-26(F). However, the parties were unable to resolve all issues raised in the complaint.

{¶ 6} R.C. 4905.26 requires the Commission to set for hearing a complaint against a public utility whenever reasonable grounds appear that any rate charged or demanded is in any respect unjust, unreasonable, or in violation of law, or that any practice affecting or relating to any service furnished is unjust or unreasonable. The attorney examiner finds that the allegations contained within the complaint establish reasonable grounds for complaint.

{¶ 7} Accordingly, a hearing in this matter should be scheduled to begin on April 24, 2019, at 11:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 8} All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.

{¶ 9} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

{¶ 10} As with 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 (1996). Therefore, at hearing, it is Complainant's responsibility to appear and present evidence in support of his complaint.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a hearing be held on April 24, 2019, at 11:00 a.m. at the offices of the Commission, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Summary: Attorney Examiner Entry scheduling hearing electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio