

**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 April 9, 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. 4905.03(C). 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, 2018, the attorney examiner scheduled a settlement conference in this matter for February 6, 2019.

{¶ 6} By Entry dated February 1, 2019, the attorney examiner rescheduled the settlement conference in this matter for February 28, 2019, because Complainant informed the attorney examiner that he was unable to attend the February 6, 2019 settlement conference.

{¶ 7} The parties were unable to reach a settlement during the February 28, 2019 settlement conference.

{¶ 8} By Entry dated March 11, 2019, the attorney examiner scheduled a hearing in this matter for June 27, 2019.

{¶ 9} Due to a scheduling conflict, the attorney examiner now reschedules the hearing in this matter. An evidentiary hearing is scheduled for July 16, 2019, beginning at 11:00 a.m., at the offices of the Commission, Hearing Room 11-D, 180 East Broad St., Columbus, Ohio 43215. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 10} Testimony should be filed no later than July 2, 2019, in order to allow sufficient time for review and depositions prior to the hearing.

{¶ 11} 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).

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That a hearing be rescheduled in accordance to Paragraph 9. It is, further,

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

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**

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**in**

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

Summary: Attorney Examiner Entry scheduling a hearing for 7/16/19 at 11:00am at the offices of the Commission electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission