

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DOUGLAS A. MORGAN,**

CASE NO. 21-385-EL-CSS

COMPLAINANT,

v.

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

RESPONDENT.

ENTRY

Entered in the Journal on May 17, 2021

{¶ 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 or the Company), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On April 9, 2021, Douglas A. Morgan (Complainant or Mr. Morgan) filed a complaint against AEP Ohio, alleging that the manner in which AEP Ohio is maintaining and utilizing its power line or other facilities is responsible for noise and radio frequency interference which, intermittently and for days at a time, prevents Mr. Morgan, a certified amateur radio license holder, from using his amateur radio equipment. Mr. Morgan alleges that he has reported this to AEP Ohio, but that the Company has, to date, not located or repaired the problem.

{¶ 4} On April 28, 2021, AEP Ohio filed its answer to the complaint. In its answer, AEP Ohio admits that Complainant is a customer of the Company, but otherwise denies all of the complaint's allegations and sets forth several affirmative defenses.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. 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 teleconference.

{¶ 6} Accordingly, a telephone settlement conference call shall be scheduled for May 26, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 105 506 941#.

{¶ 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 teleconference, and all parties participating the teleconference shall be prepared to discuss settlement of the issues raised and shall have 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 teleconference be scheduled for May 26, 2021, at 10:00 a.m., as indicated in Paragraph 6. 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/kck

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 21-0385-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference be for 5.26.21 at 10:00 a.m. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio