

DON SCOTT WILLIAMS)
27 Gerlaugh Ave., Apt. B)
Dayton, Ohio 45403) **Case No. 21-817-EL-CSS**
)
Complainant,)
v.)
)
THE DAYTON POWER AND LIGHT)
COMPANY D/B/A AES OHIO)
1065 Woodman Drive)
Dayton, Ohio 45432)
)
Respondent.)

Now comes the Dayton Power and Light Company d/b/a/ AES Ohio (“AES Ohio” or “Respondent” or “the Company”), by and through counsel, and for its answer to the Complaint filed in this docket by Don Scott Williams (“Complainant”), hereby states as follows:

1. On or about July 23, 2021, the Public Utilities Commission of Ohio (“the Commission”) accepted for filing a Complaint by the Complainant related to billing issues associated with the property located at 27 Gerlaugh Ave., Apt. B, Dayton, Ohio 45403.
2. AES Ohio admits that the meter for 27 Gerlaugh Ave., Apt. A had been switched with the meter assigned to 27 Gerlaugh Ave., Apt. B, resulting in inaccurate billing for a period of time in 2020 and 2021.
3. AES Ohio further admits that the Company corrected the billing, which was reflected in the bill that was mailed to Complainant on April 12, 2021.

4. The Respondent, AES Ohio, denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations as described in the Complaint and therefore denies the same. At all pertinent times, AES Ohio has complied with all relevant statutes, regulations, and approved tariffs.

FIRST AFFIRMATIVE DEFENSE

5. Complainant fails to set forth reasonable grounds for complaint, as required by Section 4905.26, Revised Code.

SECOND AFFIRMATIVE DEFENSE

6. Complainant fails to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

7. At all pertinent times, AES Ohio has complied with all relevant statutes, regulations, and approved tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

FOURTH AFFIRMATIVE DEFENSE

8. Complainant lacks standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

9. Failure to perfect proper service of Complaint.

SIXTH AFFIRMATIVE DEFENSE

10. Complainant's claims are time-barred.

SEVENTH AFFIRMATIVE DEFENSE

11. AES Ohio reserves the right to raise any additional affirmative defenses as warranted by discovery in this matter.

WHEREFORE, Respondent respectfully requests that the Commission dismiss AES Ohio from this Complaint. To the extent that the Commission denies such motion,

Respondent hereby requests the opportunity to mediate this issue with the Complainant to determine whether a mutually acceptable resolution is possible.

Respectfully submitted,

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

*Counsel of Record

AES Ohio

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Dayton, OH 45432

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Attorney for AES Ohio

(willing to accept electronic service)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via ordinary mail, postage prepaid, this 9th day of August, 2021 to the following:

Don Scott Williams
27 Gerlaugh Ave., Apt. B
Dayton, Ohio 45403

/s/ Michael J. Schuler

Michael J. Schuler (0082390)

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Case No(s). 21-0817-EL-CSS

Summary: Answer , Motion to Dismiss, and Request for Mediation electronically filed by Mr. Michael J Schuler on behalf of The Dayton Power and Light Company d/b/a AES Ohio