

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JAMES W. TIETGE,**

COMPLAINANT,

v.

CASE NO. 21-747-EL-CSS

**THE DAYTON POWER AND LIGHT
COMPANY,**

RESPONDENT.

ENTRY

Entered in the Journal on September 9, 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} The Dayton Power and Light Company (DP&L) is a public utility as defined in R.C. 4905.02. Accordingly, DP&L is subject to the Commission's jurisdiction.

{¶ 3} On June 23, 2021, James W. Tietge (Complainant) initiated a complaint against DP&L alleging that DP&L improperly billed him for electric service for a property that he previously sold. Mr. Tietge states that he contacted the new property owner and was told that the property was rented during the applicable period.

{¶ 4} On July 12, 2021, Complainant filed correspondence in the docket stating that he received an electric shutoff notice on July 5, 2021, at 1066 N. Clayton Road, New Lebanon,

Ohio (Clayton Residence). He stated that he does not owe any money on his electric account at that residence and that he has a pending complaint with the Commission.

{¶ 5} On July 13, 2021, the attorney examiner issued an Entry ordering DP&L to refrain from terminating Complainant's service during the pendency of the complaint.

{¶ 6} Also on July 13, 2021, DP&L filed its answer to the complaint. DP&L admits that Complainant's Clayton Residence account was charged \$270.32 in "Miscellaneous Charges" on his January 2021 bill. DP&L states that the charge was a balance transfer from services at 30 Mills Pl., New Lebanon, Ohio. DP&L states that it denies or is without sufficient knowledge to answer the remaining allegations. DP&L also asserts the affirmative defense that Complainant failed to set forth reasonable grounds for the complaint, as well as other affirmative defenses. DP&L also requests that the Commission dismiss DP&L from the complaint.

{¶ 7} Consistent with the Commission's longstanding policy to encourage settlement discussions in complaint proceedings before it, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint. 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} Accordingly, a telephone settlement conference shall be scheduled for October 13, 2021, at 10:00 a.m. ET. At the designated time of the conference, the parties shall dial 614-721-2972 and enter access code 813 829 561# to join in the mediation event. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including 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.

{¶ 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 scheduled for October 13, 2021, as provided in Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

SJP/kck

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in

Case No(s). 21-0747-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for October 13, 2021, as provided in Paragraph 8. electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio