

NC  
FILE

22-0049-EL-CSS

9

**Ohio**

**Public Utilities  
Commission**

00740483

Case Number

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

**Formal Complaint Form**

India Davis + Denzel Jacobs 59 Pinewood Cr Apt A  
Customer Name (Please Print) Customer Address

Dayton OH 45426  
City State Zip

**Against**

7355920590  
Account Number

1900 Dryden Rd  
Customer Service Address (if different from above)

AES OHIO  
Utility Company Name

Moraine OH 45439  
City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

2022 JAN 20 PM 12:44  
PUCO  
RECEIVED

[Signature]  
Signature

937-699-7157  
Customer Telephone Number

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician [Signature] Date Processed 1/20/22

Upon the filing of a complaint by one hundred subscribers or five per cent of the subscribers to any telephone exchange, whichever number be smaller, or by the legislative authority of any municipal corporation served by such telephone company that any regulation, measurement, standard of service, or practice affecting or relating to any service furnished by the telephone company, or in connection with such service is, or will be, in any respect unreasonable, unjust, discriminatory, or preferential, or that any service is, or will be, inadequate or cannot be obtained, the commission shall fix a time for the hearing of such complaint.

The hearing provided for in the next preceding paragraph shall be held in the county wherein resides the majority of the signers of such complaint, or wherein is located such municipal corporation. Notice of the date, time of day, and location of the hearing shall be served upon the telephone company complained of, upon each municipal corporation served by the telephone company in the county or counties affected, and shall be published for not less than two consecutive weeks in a newspaper of general circulation in the county or counties affected.

Such hearing shall be held not less than fifteen nor more than thirty days after the second publication of such notice.

Customers of AES presented with a disconnected notice. A tech came out serve a disconnect notice. The total due before disconnection would be \$138.00 or \$200 if the service had to be reconnected. The tech advised the customer that if payment was made before 1:00 pm shut off would be avoided and reconnection fees would not apply. We called the payment center and was advised to pay \$141.82 to avoid disconnections. A payment of \$141.82 was made on 12/08/21 at @12:24 pm. We called back on 12/9/21 to set up the next payment. Customer service told us that services were disconnected. They were not. We told customer service we were in our home with power and had no disruption of service, we explained the payment and advice of the tech from 12/8/21. Customer service told us they would call back with the amount due to continuing service without disruption. No customer service representative called back. Our bill was due on 12/23/21 so I called on 12/21/21 to find out the next payment amount. Customer service told us that we were already disconnected. I informed them that we had no disruption of service and had not had disruption since March. Customer service informed us that tech came out on 12/9/21 and disconnected service. That did not happen and that was the day after we had talked to the tech in person and made a payment over the phone, which was documented in our bill. The customer service representative said that someone had to have tampered with the box and reconnected the service illegally. I explained that it was impossible as we had never lost services and we had no knowledge of the electric meter, where it was located, or how to do such thing. We live in a large apartment complex. She said it would have a red tag on it if it was disconnected. While on the phone with the customer service person I went to the office to ask where the electric meter was located. I was instructed to the back of the building. While still on the phone with customer service I went out there were approximately 19 meters. I told the customer service all but 2 had green tags. The two had no tags. I informed her that I did not know which one was ours, she told me my meter number. Our meter had no tag. She told me that it was odd and they would do an investigation to do the meter. I told her I understood but I need to know if that means they would cut off our power when they came and explained that I had a three-week-old premature baby, a four-year-old, and an adult with asthma in the house. She said they would probably disconnect because the status was a disconnect.

We left for our job for the day and returned home the evening of 12/21/21 to no power with no information about the reasons. On 12/22/21 I called AES to find out what was happening and how to reconnect. Customer service let me know that the investigation concluded that we had stolen power. We had no ability to reconnect our own power and were shocked to be accused of theft. I called every day trying to understand why were being accused, how we could get it back on, and what to do to move forward. I was advised to file a complaint with the Public Utility Commission. We were told we had to pay \$497.23 to reconnect which investigation fees, connections, and miscellaneous fees, all for something we didn't do. We were told there were no other options.

On 12/29/21 we contacted a local agency for help. They began making phone calls with us. AES told us we had to pay that amount and services could not be connected until the following Tuesday no matter what time we paid. We informed them about the kids and falling temperatures as well as having to find places to stay to keep the kids safe. They told us there was nothing they could do because the Public Utilities Commission has a rule to not turn the power back on one business day and the holiday which made it six more days without power. We called the Public Utilities Commission who said that was a rule and they would send an email but could not guarantee the power would be back on. We called AES at least four times and were told different things each time. We asked Public Utilities and AES for

documentation about the investigation and were told by everyone we were not entitled to that information even though we were being accused of theft.

Ultimately, we had to pay \$497 dollars to restore power due to fees and fines for accusations that we have seen no evidence of and maintain our innocence. Our bill continues to show fees and fines even after payment was made partially by us and partially by St. Vincent.

We look forward to getting this resolved and having our money and reputation returned.

## How to File a Complaint with the Public Utilities Commission of Ohio

There are two ways you can file a complaint with the Public Utilities Commission of Ohio (PUCO). One is an informal complaint, which is handled by the staff of the PUCO's Service Monitoring and Enforcement Department, and the other is a formal complaint, which is handled by the PUCO's Legal Department staff and ultimately decided by the PUCO's Commissioners.

### Informal Complaint Procedure

Most utility complaints can be resolved by the staff of the PUCO's Call Center through an informal process. The Call Center can be reached at (800) 686-PUCO (7826) from 8:00 am to 5:00 pm Monday through Friday. Consumers can also fill out the online informal complaint form available at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov), or can write to the PUCO at 180 East Broad Street, Columbus, Ohio, 43215.

When you contact the PUCO, please be prepared to provide the facts about your complaint clearly and completely. After your initial contact with our Call Center, an investigator will contact the utility and try to resolve your issue in a way that is agreeable to both you and the company. If the investigator is unable to resolve your informal complaint, you have the right to file a formal complaint against the utility company in accordance with Ohio Revised Code Section 4905.26.

### Formal Complaint Procedure

The following information outlines the formal complaint procedure and contains a form you can use to initiate your formal complaint. Please be sure to read the following information carefully. There are procedures that must be followed in order for your formal complaint to be investigated further by the PUCO.

A formal complaint states in writing the reason for your complaint. The filing of a formal complaint starts a case before the PUCO. The proceedings involved in the formal complaint process are similar to those held in a court of law. Certain rules must be followed during the formal complaint process.

Your complaint should include:

- Your name, address, and telephone number.
- The account number and service address your complaint is referencing.
- A statement indicating whether you are a customer of the utility company.
- The name of the public utility you are filing a complaint against.
- A brief statement that summarizes the facts which are the basis of your complaint, including the time period involved in your complaint.
- A brief statement that describes what you would like the Commission to do about your complaint.

Your complaint should show that a rule, tariff, rate, charge or practice affecting the service of the public utility is unjust and unreasonable or that the public utility has:

- Violated the law.
- Failed to follow the rules and regulations on file with the PUCO.
- Discriminated against you.
- Provided you with inadequate service.
- Failed to provide you with service.

When you have completed the formal complaint form, please mail **one original and two copies on 8 1/2" x 11" paper to:**

Public Utilities Commission of Ohio

Docketing Division

180 E. Broad St.

Columbus, OH 43215-3793

Once the PUCO receives your complaint, a case number will be assigned to the complaint and a copy will be mailed to the utility with instructions to file an answer and any other response with the Commission within 20 days. The utility will also provide you with a copy of its answer or other response.

**Be sure to include your case number on any information or response that you send to the PUCO that is related to your case.**

An attorney examiner from the PUCO will then be assigned to review your complaint and the utility's response to determine jurisdiction and if reasonable grounds for your complaint exist. If the attorney examiner determines that there are reasonable grounds and jurisdiction for your complaint, the attorney examiner will schedule a prehearing settlement conference and a hearing on separate days. Both the settlement conference and hearing will be held at the PUCO's offices in Columbus.

The PUCO has made it a policy to conduct prehearing settlement conferences for every complaint case brought before it. The PUCO wants to ensure that every attempt to settle the matter to the satisfaction of both parties has been made before a formal hearing is held. An attorney examiner, who has not been assigned to the complaint, presides over the settlement conference. If a resolution to the complaint is still not achieved by the end of the settlement conference, the public hearing will be held on the scheduled date.

Both sides must attend the settlement conference. The prehearing settlement conference gives each side an opportunity to discuss the issues relevant to the complaint, allow both sides to ask questions of each other, and provide an atmosphere where there is ample opportunity to resolve the complaint. Failure to attend the settlement conference may result in the Commission concluding that you do not wish to pursue your claims and dismissing the complaint.

At the public hearing if the party filing the complaint (complainant) is a corporation an attorney must represent that party. In all complaint cases, the complainant must prove the allegations he/she is

making. The complainant must be prepared to attend the public hearing and present any and all evidence that supports the complaint. The utility will have a chance to present its side of the story. After the hearing, the Commission will review the evidence presented in the case and issue a decision in the form of a written "Opinion and Order". The Commission will base its decision on the evidence presented and Ohio law. You will receive a copy of the Commission's decision by mail. Both you and the utility can ask the Commission to reconsider its decision. The reconsideration request must be made within 30 days from the date of the Commission issues its decision.

### **Helpful Provisions in Ohio Law**

4901-9-01 Ohio Administrative Code

#### **Complaint proceedings**

(A) All complaints filed under section 4905.26 of the Revised Code, except complaints filed by a public utility concerning a matter affecting its own product or service, shall be in writing and shall contain the name of the public utility complained against, a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. Sample complaint forms may be obtained by contacting the commission's Service Monitoring and Enforcement Department. If discrimination is alleged, the facts that allegedly constitute discrimination must be stated with particularity. Upon receipt of such a complaint, the docketing division shall serve a copy of the complaint upon the public utility complained against, together with instructions to file an answer with the commission in accordance with the provisions of this rule. The public utility complained against shall file its answer with the commission within twenty days, or such period of time directed by the commission, the legal director or attorney examiner assigned to the case, after the mailing of the complaint, and shall serve a copy upon all parties in accordance with rule 4901-1-05 of the Administrative Code. An answer must be filed in accordance with this paragraph, whether or not the public utility files a motion to dismiss the complaint or any other motion in response to the complaint.

(B) Each defense to a complaint shall be asserted in an answer. In addition, the following defenses or assertions may, at the option of the public utility complained against, also be raised by motion.

- (1) Lack of jurisdiction over the subject matter;
- (2) Lack of jurisdiction over the person;
- (3) Failure to set forth reasonable grounds for complaint; and
- (4) Satisfaction of the complaint or settlement of the case.

(C) The public utility shall state in its answer, in short and plain terms, its defenses to each claim asserted, and shall admit or deny the allegations upon which the complainant relies. If the public utility is without sufficient knowledge or information to form a belief as to the truth of an allegation, it shall so state and this has the effect of a denial. If the public utility intends in good faith to deny all of the allegations in the complaint, it may do so by general denial. If it does not intend to deny all of the allegations in the complaint, it shall either make specific denials of designated allegations or paragraphs, or generally deny all allegations except those

allegations or paragraphs that it expressly admits. Unless otherwise ordered by the commission, the legal director, or the attorney examiner assigned to the case, all material allegations in the complaint which are not denied in the answer shall be deemed admitted for purposes of the proceeding.

(D) If a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request, in writing, that the commission provide assistance to prevent the termination of service during the pendency of the complaint. The person must explain why he or she believes that service is about to be terminated and why the person believes that the service should not be terminated. A person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute. The Commission will issue a ruling on the request.

(E) If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within twenty days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint. Any filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement or be accompanied by another document that states that, pursuant to a commission rule, the complainant has twenty days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

4905.26, Ohio Revised Code

#### Complaints as to Service

Upon complaint in writing against any public utility by any person, firm, or corporation, or upon the initiative or complaint of the public utilities commission, that any rate, fare, charge, toll, rental, schedule, classification, or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is in any respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law, or that any regulation, measurement, or practice affecting or relating to any service furnished by the public utility, or in connection with such service, is, or will be, in any respect unreasonable, unjust, insufficient, unjustly discriminatory, or unjustly preferential, or that any service is, or will be, inadequate or cannot be obtained, and, upon complaint of a public utility as to any matter affecting its own product or service, if it appears that reasonable grounds for complaint are stated, the commission shall fix a time for hearing and shall notify complainants and the public utility thereof. Such notice shall be served not less than fifteen days before hearing and shall state the matters complained of. The commission may adjourn such hearing from time to time.

The parties to the complaint shall be entitled to be heard, represented by counsel, and to have process to enforce the attendance of witnesses.





## Public Utilities Commission

Mike DeWine, Governor  
Jenifer French, Chair

### Commissioners

M. Beth Trombold  
Lawrence K. Friedeman  
Dennis P. Deters  
Daniel R. Conway

January 3, 2022

India Davis  
59 Pinewood Circle  
Apt. A  
Trotwood, OH 45426

CASE ID: 00740483

Dear Ms. Davis:

Thank you for contacting the Public Utilities Commission of Ohio (PUCO). Enclosed is the necessary information for filing a formal complaint.

Please note that all filings must be made on 8-1/2 by 11 inch paper. You must provide one original and two copies of the complaint.

Should you have any additional utility-related questions, please do not hesitate to contact the PUCO Call Center at (800) 686-PUCO (7826) or visit our website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).

Sincerely,

Christina Cassady  
Lead Customer Service Investigator

Enclosure