

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of India	:	
Davis and Denzel Jacobs,	:	Case No. 22-0049-EL-CSS
	:	
Complainants,	:	
	:	
v.	:	
	:	
The Dayton Power and Light Company	:	
d/b/a AES Ohio	:	
	:	
Respondent.	:	

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**ANSWER, MOTION TO DISMISS, AND REQUEST FOR MEDIATION OF  
THE DAYTON POWER AND LIGHT COMPANY D/B/A AES OHIO**

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Pursuant to R.C. 4905.26 and Ohio Adm.Code 4901-9-01, Respondent The Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio” or the “Company”), for its Answer to the Complaint of India Davis and Denzel Jacobs (“Complainants”), states as follows.

1. On or about January 20, 2022, the Public Utilities Commission of Ohio (“Commission”) accepted for filing the Complaint of Complainants relating to an alleged disconnection of service for Account No. 7355920590 (the “Account”), which is associated with 59 Pinewood Circle, Apartment A, Dayton Ohio 45426.

2. AES Ohio admits that on or about December 8, 2021, at approximately 11:30 A.M., AES Ohio disconnected service to the Account for non-payment and sealed the meter with red seal #7802.

3. AES Ohio admits that on or about December 8, 2021, at approximately 12:24 P.M., AES Ohio received payment of \$141.82 on the Account.

4. AES Ohio admits that on or about December 9, 2021, Ms. Davis contacted AES Ohio seeking to enter a pay agreement. AES Ohio further admits that an AES Ohio representative advised Ms. Davis that service to the Account should have been disconnected at that time. AES Ohio further admits that following that contact, a technician was dispatched to verify the status of service to the Account. AES Ohio further admits that during that inspection, the technician found signs of tampering of the meter, including a missing seal and connected service. AES Ohio further admits that during that inspection, the technician disconnected service to the Account and sealed the meter with red seal #7809.

5. AES Ohio admits that on or about December 21, 2021, Ms. Davis contacted AES Ohio about the Account. AES Ohio further admits that an AES Ohio representative advised Ms. Davis that service to the Account should have been disconnected at that time. AES Ohio further admits that following that contact, a technician was dispatched to verify the status of service to the Account. AES Ohio further admits that during that inspection, the technician found signs of tampering of the meter, including a missing seal and connected service. AES Ohio further admits that during that inspection, the technician disconnected service to the Account and sealed the meter with red seal #6850.

6. AES Ohio admits that on or about December 30, 2021, service to the Account was reconnected upon receipt of payment of \$497.23, which reflected amounts due for fraudulent usage, associated labor, investigation, past due balance, and reconnection.

7. AES Ohio denies or is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of the Complaint.

#### **FIRST ADDITIONAL DEFENSE**

8. Complainants fail to set forth reasonable grounds for the Complaint under R.C. 4905.26 and Ohio Adm.Code 4901-9-01.

#### **SECOND ADDITIONAL DEFENSE**

9. Complainants fail to state a claim upon which relief can be granted.

#### **THIRD ADDITIONAL DEFENSE**

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

#### **FOURTH ADDITIONAL DEFENSE**

11. Complainants lack standing to bring this action.

#### **FIFTH ADDITIONAL DEFENSE**

12. Failure to perfect proper service of Complaint.

#### **SIXTH ADDITIONAL DEFENSE**

13. Complainants' claims are time-barred.

#### **SEVENTH ADDITIONAL DEFENSE**

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

WHEREFORE, AES Ohio respectfully requests that the Commission dismiss this Complaint. To the extent that the Commission denies such motion, AES Ohio requests the opportunity to mediate this dispute with Complainants to determine whether a mutually-acceptable resolution is possible.

Respectfully submitted,

/s/ Christopher C. Hollon  
Christopher C. Hollon (0086480)  
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Dayton, Ohio 45432  
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*Counsel for AES Ohio*

(willing to accept service by e-mail)

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been sent via ordinary mail, this 9<sup>th</sup> day of February, 2022, to the following:

India Davis and Denzel Jacobs  
59 Pinewood Circle, Apt. A  
Dayton, Ohio 45426

/s/ Christopher C. Hollon  
Christopher C. Hollon

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/9/2022 5:06:48 PM**

**in**

**Case No(s). 22-0049-EL-CSS**

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