

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
INDIA DAVIS AND DENZEL JACOBS,

CASE No. 22-49-EL-CSS

COMPLAINANT,

v.

THE DAYTON POWER AND LIGHT
COMPANY DBA AES OHIO,

RESPONDENT.

ENTRY

Entered in the Journal February 11, 2022

{¶ 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 d/b/a AES Ohio (AES Ohio) is an electric light company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. As such, AES Ohio is subject to the jurisdiction of this Commission.

{¶ 3} On January 20, 2022, India Davis (Ms. Davis) and Denzel Jacobs (together, Complainants) filed a complaint against AES Ohio. Briefly summarized, Complainants allege, among other things, that AES Ohio has failed to acknowledge Complainants' payment, by phone, made at 12:24 p.m. on December 8, 2021, which, Complainants contend, AES had advised them beforehand, would preclude the occurrence of a service shut-off and the potential application of any reconnection fees. Complainants insist that such payment was made, was documented in Complainants' next bill, and stopped a service disconnection from taking place. Complainants further allege that, during a telephone conversation with Complainants on December 21, 2021, an AES customer service representative insisted that an AES technician had disconnected service to Complainants on December 9, 2021. During

the same call, the service representative contended that “someone had to have tampered * * * and reconnected the service illegally.” At that point, Complainants conducted a physical examination of their meter and reported to the customer service representative that it had no tag which, if present, might have indicated that a service shut-off had occurred. The customer service representative replied that AES Ohio “would do an investigation.”

{¶ 4} Continuing, Complainants further allege that, on the evening of December 21, 2021, they returned from their workday to find their home inexplicably with no power. On December 22, 2021, Complainants were told that AES Ohio’s investigation concluded that Complainants’ “had stolen power.” Complainants dispute this conclusion and submit that they are entitled to documentation – so far allegedly denied to them -- regarding AES Ohio’s investigation.

{¶ 5} Continuing, Complainants claim that, in numerous calls made thereafter in attempt to get service restored, they were told that they “had to pay “\$497.23 to reconnect” and that “there were no other options.” Complainants additionally aver that, on Wednesday, December 29, 2021, AES Ohio informed them, that even if the amount demanded was paid on that day, no matter what time the payment was made, services could not be connected until the following Tuesday, January 4, 2022, because of a Commission rule and the fact that the upcoming holiday would fall on a weekend, rather than on a business day. Complainants claim that, ultimately, they had to pay \$497 dollars to restore power. Moreover, they say, their bill continues to show, after payment was made, fees and fines which they dispute. In bringing their complaint, Complainants look forward to getting this dispute resolved, and having their money and reputation for honesty returned.

{¶ 6} On February 9, 2022, AES Ohio filed its answer in which it admits some, and denies others of the complaint’s allegations and sets forth several affirmative defenses. CEI, in its answer, among other things, claims that: (1) at approximately 11:30 a.m. on December 8, 2021, AES Ohio disconnected, for non-payment, service to Complainants’ account and sealed the meter with red seal #7802; (2) at approximately 12:24 p.m. on December 8, 2021,

AES Ohio received payment of \$141.82 on the account; (3) on December 9, 2021, after Ms. Davis contacted AES Ohio seeking to enter a payment agreement and was advised that service on the account should have been disconnected at that time, a technician was dispatched to verify the status of service to the account; (4) during that inspection, the technician found signs of tampering of the meter, including a missing seal and connected service; and (5) during the inspection the technician disconnected service to the account and sealed the meter with red seal #7809. Further answering, AES Ohio submits 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. AES Ohio claims to lack knowledge regarding, and therefore denies, all remaining allegations of the complaint.

{¶ 7} 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.

{¶ 8} Accordingly, a telephone settlement conference call shall be scheduled for February 24, 2022, at 11:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 354 642 349#.

{¶ 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 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.

{¶ 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 teleconference be scheduled for February 24, 2022, at 11:00 a.m., as indicated in Paragraph 8. It is, further,

{¶ 13} 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

MJA/kck

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

2/11/2022 11:28:32 AM

in

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

Summary: Attorney Examiner Entry ordering that a settlement teleconference be scheduled for February 24, 2022, at 11:00 a.m., as indicated in Paragraph 8. electronically filed by Kelli C. King on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio