

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
FREDERICK AND DANIELLE SALLEE,**

COMPLAINANT,

CASE NO. 21-926-EL-CSS

v.

**THE DAYTON POWER AND LIGHT
COMPANY D/B/A AES OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal on April 5, 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 a public utility as defined in R.C. 4905.26. Accordingly, AES Ohio is subject to the Commission's jurisdiction.

{¶ 3} On September 9, 2021, Frederick and Danielle Sallee (Complainants) initiated a complaint against AES Ohio. The complaint alleges that, after purchasing a new home, the Complainants attempted to terminate electric service with AES Ohio at their old home and assert that the process they endured to terminate service with AES Ohio and the resulting final bill from such service constitute unreasonable service from AES Ohio, as well as unjust and unreasonable billing practices.

{¶ 4} On November 19, 2021, the attorney examiner issued an Entry directing AES Ohio to comply with Ohio Adm.Code 4901-9-01(B) and file a responsive pleading to the complaint no later than December 9, 2021.

{¶ 5} On December 9, 2021, AES Ohio filed its answer to the complaint. In its answer, AES Ohio admits some allegations in the complaint. AES Ohio also states that it denies or is without sufficient knowledge to ascertain the veracity of the remaining allegations in the complaint and therefore denies the same. Further, AES Ohio sets forth in the answer several affirmative defenses, such as asserting that the Complainants fail to set forth reasonable grounds for relief and that, at all times, it complied with all applicable Ohio statutes, Commission rules, regulations, orders, and AES Ohio's tariff.

{¶ 6} 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 the complaint. As stated in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 7} Accordingly, a telephonic settlement conference should be scheduled for May 17, 2022, at 10:00 a.m. Participants should utilize the following call-in information to participate:

- Conference call number: 614.721.2972
- Conference ID: 937 916 122#

{¶ 8} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 9} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of AES Ohio 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. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 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 telephonic settlement conference be scheduled for May 17, 2022, at 10:00 a.m., in accordance with Paragraph 7. 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/ Matthew J. Sandor

By: Matthew J. Sandor
Attorney Examiner

GAP/kck

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

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in

Case No(s). 21-0926-EL-CSS

Summary: Attorney Examiner Entry ordering that a telephonic settlement conference be scheduled for May 17, 2022, at 10:00 a.m., in accordance with Paragraph 7. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio