

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
TECUMSEH LANDING LLC,**

COMPLAINANT,

CASE NO. 22-201-EL-CSS

V.

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

RESPONDENT.

ENTRY

Entered in the Journal on May 17, 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) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On March 15, 2022, Tecumseh Landing LLC (Tecumseh or Complainant) filed a complaint against AES . Complainant explains that it became an AES customer in April 2021 and has always paid its monthly charges promptly, yet AES alleged that Complainant owes a seven-year-old \$509.99 “miscellaneous services” charge. Complainant asserts that it paid that charge to avoid a shutoff of power that would have caused damage to its business. Complainant requests that the Commission find that the disputed charge is not valid and require AES to refund the \$509.99 that was paid. Complainant contends that AES has not provided evidence that the “miscellaneous” charges are valid and that, consequently, AES’s service is inadequate. Finally, Complainant requests AES’s audited records from January 2015-2022 concerning billing errors and customer invoice credits and allowances.

{¶ 4} AES filed its answer and request to dismiss on April 4, 2022. AES admits that Tecumseh is a customer and that, upon applying for service in April 2021, Tecumseh was charged \$509.99. AES claims that the disputed amount reflects an unpaid balance owed by Complainant on an account associated with the same address. AES requests dismissal of the Complaint.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference to be conducted by telephone. 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 conference.

{¶ 6} Accordingly, a telephone conference shall be scheduled for June 8, 2022, at 10:00 a.m. The parties shall dial 1-614-721-2972 and enter conference code 896 185 199#. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a telephone conference be scheduled on June 8, 2022, at 10:00 a.m. as indicated in Paragraph 6. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon Respondent and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

GAP/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0201-EL-CSS

Summary: Attorney Examiner Entry ordering that a telephone conference be scheduled on June 8, 2022, at 10:00 a.m. electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission