

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
VICKIE A. SWARTZBAUGH,**

COMPLAINANT,

v.

CASE NO. 22-434-EL-CSS

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

RESPONDENT.

ENTRY

Entered in the Journal on June 1, 2022

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person 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} Ohio Adm.Code 4901-9-01(B) directs, in part, that all complaints filed with the Commission are to 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.

{¶ 4} On April 15, 2022, Vickie A. Swartzbaugh (Complainant) filed with the Commission a complaint which was docketed under the above-reflected case caption. The complaint consists of one page. As filed, the complaint does not clearly identify the name of the person or entity against whom the complaint has been brought. Moreover, as filed, the complaint also does not contain a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. For these reasons,

the complaint, as it is currently presented, does not comply with Ohio Adm.Code 4901-9-01(B).

{¶ 5} Accordingly, within 30 days of this Entry, Complainant shall file a more definite statement of her complaint. At a minimum, Complainant's more definite statement must clearly identify the name(s) of the public utility or public utilities against whom the complaint is being brought. Additionally, at a minimum, Complainant's more definite statement must provide a clear and concise statement of the facts underlying the complaint, as well as a description of the public utility service-related issue(s) involved. The statement must explain, in detail, what specifically happened that gives rise to this complaint and should disclose which, if any, acts or omissions on the part of the public utility or public utilities complained against, serves as the basis for the complaint.

{¶ 6} Moreover, Complainant's more definite statement should spell out the form of relief Complainant is seeking. Importantly, Complainant is advised that her failure to file timely a more definite statement complying with the directives set forth in this Entry may lead to dismissal of her complaint.

{¶ 7} AES Ohio filed an answer to the complaint on May 5, 2022. In its answer, AES Ohio asserts, among other things, that the complaint fails to explain the facts which constitute the basis of the complaint and the relief sought in violation of Ohio Adm.Code 4901-9-01(B). AES Ohio may file a response to Complainant's more definite statement, if any, within 20 days after the statement is filed.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Complainant file, within 30 days of this Entry, a more definite statement of her complaint, as directed in this Entry. It is, further,

{¶ 10} ORDERED, That AES Ohio may file a response to Complainant's more definite statement, if any, within 20 days after the statement is filed. It is, further,

{¶ 11} 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

NJW/hac

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

Case No(s). 22-0434-EL-CSS

Summary: Attorney Examiner Entry ordering that Complainant file, within 30 days of this Entry, a more definite statement of her complaint and that AES Ohio may file a response to Complainant's more definite statement, if any, within 20 days after the statement is filed electronically filed by Heather A. Chilcote on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio