

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RACHEL HART,**

COMPLAINANT,

v.

CASE NO. 22-659-EL-CSS

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

RESPONDENT.

ENTRY

Entered in the Journal August 16, 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} Respondent, 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 June 30, 2022, Rachel Hart (Complainant) filed a complaint against AES Ohio. Complainant submits that her home is located within AES Ohio's service territory but claims that it is "on the border" with the service territory of another electric service provider, namely Union Rural Electric (URE). Complainant claims that she received a quote for electric service from both AES Ohio and from URE. According to the complaint, the service quote Complainant received from URE is much lower than that she received from AES Ohio; however, URE's quote is contingent upon Complainant being "released" from AES Ohio's service territory. Briefly summarized, the complaint alleges that, by

refusing to release Complainant from its service territory, AES Ohio is engaging in an unreasonable practice.

{¶ 4} On July 19, 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. Among other things, AES Ohio, in its answer, admits: (1) Complainant requested the construction of an electric line extension to supply electric service at a single family residence at the service address identified in the complaint (the Premises), (2) that the Premises is located in AES Ohio's certified service territory; (3) that Complainant authorized the construction of the requested electric-line extension, agreed to be responsible for its cost, executed a line-extension agreement covering that cost and, in that regard, agreed to pay \$30,925.78 for the construction of the line-extension.

{¶ 5} At this time, 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 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.

{¶ 6} Accordingly, a settlement conference shall be scheduled for August 25, 2022, at 11:00 a.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the building lobby desk and then proceed to the 11th floor to participate in, or attend, the settlement conference.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of Respondent shall investigate the issues raised in the complaint prior to the settlement conference, and all parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have 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 settlement conference be scheduled for August 25, 2022, at 11:00 a.m., as indicated in Paragraph 6. 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

GAP/dmh

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 22-0659-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for August 25, 2022. at 11:00 a.m. at the offices of the Commission, Room 1246 electronically filed by Ms. Donielle M. Hunter on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio