

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

COMPLAINANT,

v.

CASE NO. 22-49-EL-CSS

AES OHIO,

RESPONDENT.

ENTRY

Entered in the Journal September 8, 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 and Denzel Jacobs (together, Complainants) filed a complaint against AES Ohio. Briefly outlined, the complaint alleges that AES Ohio has: (1) wrongfully accused Complainants of service tampering, (2) wrongfully terminated Complainants' electric service, (3) hampered efforts made by Complainants to obtain service reconnection; and (4) imposed service reconnection fees which Complainants contend are unlawful.

{¶ 4} On February 9, 2022, AES filed its answer in which it admits some, and denies others of the complaint's allegations and sets forth several affirmative defenses.

{¶ 5} On February 11, 2022, the attorney examiner issued an Entry which scheduled a settlement teleconference for February 24, 2022,

{¶ 6} The settlement teleconference was held, as scheduled, on February 24, 2022. At that time, the parties did not reach, but agreed to continue working together toward achieving settlement. In this regard, Complainants indicated that, with additional time and effort on their part, they expected to, soon, obtain and share certain information which might prove helpful towards resolving the case. Since the February 24, 2022, settlement teleconference, however, Complainants have never come forward with any further information. In the meantime, the attorney examiner has made numerous efforts, all to no avail, to contact Complainants to learn about their willingness to move forward with their complaint.

{¶ 7} Under the circumstances presented, the attorney examiner finds that the scheduling of another settlement teleconference is warranted in this case. Accordingly, a settlement teleconference shall be scheduled for September 20, 2022, at 10:00 a.m. To participate in the teleconference, the parties are directed to dial (614) 721-2972 and conference code 202 214 253#.

{¶ 8} Complainants are advised that their failure to attend and participate in the September 20, 2022, settlement teleconference may result in dismissal of this complaint for Complainants' lack of sufficient prosecution.

{¶ 9} As before, 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.

{¶ 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 September 20, 2022, at 10:00 a.m., as indicated in 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

MLW/dmh

**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). 22-0049-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference for September 20, 2022, at 10:00 a.m. as indicated in Paragraph 7 electronically filed by Ms. Donielle M. Hunter on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio