

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
FRED L. HARRIS,**

COMPLAINANT,

v.

CASE NO. 22-552-EL-CSS

**OHIO POWER COMPANY D/B/A AEP
OHIO,**

RESPONDENT.

ENTRY

Entered in the Journal September 19, 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, Ohio Power Company d/b/a AEP Ohio (AEP) 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, AEP is subject to the jurisdiction of this Commission.

{¶ 3} On May 25, 2022, Fred L. Harris (Complainant) filed a complaint against AEP. Complainant submits that his complaint was not resolved through the informal case process and that he did not understand the spreadsheet provided him by AEP that purportedly explains his electric charges. Complainant has requested the Commission accept his formal complaint in order to determine if the charges as AEP provided him are accurate.

{¶ 4} On June 14, 2022, AEP 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, AEP, in its answer, admits that it provided Complainant with a detailed explanation of charges.

{¶ 5} 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. Here, the complaint consists of one page and one paragraph, which refers to an undocketed informal complaint file and Complainant's statement that he could not understand the chart provided him by AEP, which is also undocketed, and his request that the Commission review his formal complaint.

{¶ 6} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The attorney examiner recognizes that scheduling a settlement conference prior to determining whether reasonable grounds exist is not procedurally uncommon and allows the parties an opportunity to resolve issues raised in the complaint amicably. See, e.g., *In re the Complaint of Paul Goldsberry v. United Telephone Co. of Ohio d/b/a Embarq*, Case No. 07-559- TP-CSS, Entry (Jan. 9, 2008); *In re the Complaint of Carol A. Allen v. The Toledo Edison Co.*, Case No. 14-830-EL-CSS, Entry (July 10, 2014); *In re the Complaint of W. Hobart Pullins v. Ohio Edison Co.*, Case No. 09-1983-EL-CSS, Entry (Mar. 8, 2011); *In re the Complaint of Paul M. Benak v. The Cleveland Elec. Illum. Co.*, Case No. 09-406-EL-CSS, Entry (June 10, 2009); *In re the Complaint of Kara Robertson v. Duke Energy of Ohio, Inc.*, Case No. 08-47-GE-CSS, Entry (Feb. 22, 2008). 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for October 18, 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.

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for October 18, 2022, at 11:00 a.m., as indicated in Paragraph 7. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

JRJ/dmh

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in

Case No(s). 22-0552-EL-CSS

Summary: Attorney Examiner Entry that a settlement conference be scheduled for October 18, 2022, at 11:00 a.m. at the offices of the Commission, Room 1246 electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio