

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
JAMES W. TIETGE,

COMPLAINANT,

v.

CASE NO. 21-747-EL-CSS

THE DAYTON POWER AND LIGHT
COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on September 21, 2022

I. SUMMARY

{¶ 1} The Commission dismisses the case, as the Dayton Power and Light Company alleges that all issues in the complaint have been resolved.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} The Dayton Power and Light Company (AES Ohio) is a public utility as defined in R.C. 4905.02. Accordingly, AES Ohio is subject to the Commission's jurisdiction.

{¶ 4} On June 23, 2021, James W. Tietge (Complainant) initiated a complaint against AES Ohio alleging that AES Ohio improperly billed him for electric service for a property that he previously sold. Mr. Tietge states that he contacted the new property owner and was told that the property was rented during the applicable period.

{¶ 5} On July 12, 2021, Complainant filed correspondence in the docket stating that he received an electric shutoff notice on July 5, 2021, at 1066 N. Clayton Road, New Lebanon, Ohio (Clayton Residence). He stated that he does not owe any money on his electric account at that residence and that he has a pending complaint with the Commission.

{¶ 6} On July 13, 2021, the attorney examiner issued an Entry ordering AES Ohio to refrain from terminating Complainant's service during the pendency of the complaint.

{¶ 7} Also on July 13, 2021, AES Ohio filed its answer to the complaint. AES Ohio admits that Complainant's Clayton Residence account was charged \$270.32 in "Miscellaneous Charges" on his January 2021 bill. AES Ohio states that the charge was a balance transfer from services at 30 Mills Pl., New Lebanon, Ohio. AES Ohio states that it denies or is without sufficient knowledge to answer the remaining allegations. AES Ohio also asserts the affirmative defense that Complainant failed to set forth reasonable grounds for the complaint, as well as other affirmative defenses. AES Ohio also requests that the Commission dismiss AES Ohio from the complaint.

{¶ 8} The attorney examiner initially scheduled this case for settlement conference on October 13, 2021. Due to various conflicts, the settlement conference was rescheduled to October 18, 2021, and then again to November 8, 2021. Both parties participated in the November 8, 2021 settlement conference.

{¶ 9} On July 5, 2022, AES Ohio filed a motion to dismiss this case because the complaint has been resolved. In its motion, AES Ohio states that no written settlement has been executed, but all disputes with the Complainant have been resolved. AES Ohio also properly cited Ohio Adm.Code 4901-9-01(F) in the motion and stated that Complainant has twenty days to file a response to AES Ohio's assertions.

{¶ 10} Mr. Tietge has filed no response to AES Ohio's motion to dismiss.

{¶ 11} Accordingly, the Commission finds that the case should be dismissed, as AES Ohio has asserted that the matter has been settled and the Complainant has not filed any response to the contrary.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the case be dismissed and closed of record. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JWS/dmh

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

9/21/2022 2:47:29 PM

in

Case No(s). 21-0747-EL-CSS

Summary: Entry that the Commission dismisses the case, as the Dayton Power and Light Company alleges that all issues in the complaint have been resolved electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio