

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DONALD HOUSER,**

COMPLAINANT,

CASE No. 22-894-EL-CSS

v.

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

RESPONDENT.

ENTRY

Entered in the Journal December 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 September 21, 2022, Donald Houser (Complainant) filed a complaint against AES Ohio, alleging that he has been overbilled on his electric service account with AES Ohio.

{¶ 4} On October 7, 2022, AES Ohio filed its answer in which identifies Complainant's electric service account number, but otherwise, denies the allegations of the complaint and sets forth several affirmative defenses.

{¶ 5} On November 3, 2022, an Entry was issued scheduling a December 6, 2022 settlement conference by telephone. Counsel for AES Ohio participated in the conference call, but Complainant was not available. When ten minutes had passed without

Complainant calling-in, a voice mail message was left directing him to contact the Commission to make arrangements for the rescheduling of the settlement teleconference. Since then, Complainant has not contacted the Commission about his complaint case.

{¶ 6} Under the circumstances presented, the attorney examiner finds that rescheduling the settlement teleconference is warranted in this case. Accordingly, the settlement teleconference shall be rescheduled for January 17, 2023, at 11:00 a.m. To participate in the rescheduled settlement conference, the parties shall call (614) 721-2972 and enter 476 850 668# when prompted.

{¶ 7} Complainant is advised that his failure to attend and participate in the January 17, 2023 settlement teleconference may result in dismissal of this complaint for lack of sufficient prosecution.

{¶ 8} The purpose of the settlement teleconference 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.

{¶ 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 teleconference be scheduled for January 17, 2023, at 11:00 a.m., as indicated in Paragraph 6. 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/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

MJA/mef

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in

Case No(s). 22-0894-EL-CSS

Summary: Attorney Examiner Entry that the settlement teleconference shall be rescheduled for January 17, 2023, at 11:00 a.m. To participate in the rescheduled settlement conference, the parties shall call (614) 721-2972 and enter 476 850 668# when prompted electronically filed by Ms. Donielle M. Hunter on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio