

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DRAKE DAUM,**

CASE NO. 22-830-EL-CSS

COMPLAINANT,

v.

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

RESPONDENT.

ENTRY

Entered in the Journal February 8, 2023

I. SUMMARY

{¶ 1} The Commission grants the motion to dismiss, with prejudice, filed by the parties.

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} 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.

{¶ 4} On September 2, 2022, Drake Daum filed a complaint against AES Ohio alleging, among other things, that AES Ohio has charged him smart meter opt-out service fees that he considers to be unwarranted and exorbitant.

{¶ 5} On September 22, 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.

{¶ 6} A settlement conference was scheduled for, and held, on November 10, 2022. At that time, the parties reached a tentative settlement.

{¶ 7} On December 1, 2022, the parties filed a notice of settlement and joint motion to dismiss the complaint. Therein, the parties request that the Commission dismiss the complaint with prejudice, as all issues raised have been resolved.

{¶ 8} The Commission finds that the joint motion to dismiss the complaint is reasonable and should be granted. Accordingly, this case should be dismissed with prejudice, and the case closed of record.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the joint motion to dismiss be granted and Case No. 22-830-EL-CSS be dismissed with prejudice and closed of record. It is, further,

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

COMMISSIONERS:

Approving:

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

DEF/dmh

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in

Case No(s). 22-0830-EL-CSS

Summary: Entry that the Commission grants the motion to dismiss, with prejudice,
filed by the parties electronically filed by Ms. Donielle M. Hunter on behalf of Public
Utilities Commission of Ohio