

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
BENJAMIN FLORKEY,

COMPLAINANT,

v.

CASE NO. 23-598-EL-CSS

THE DAYTON POWER & LIGHT COMPANY
DBA AES OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on July 13, 2023

{¶ 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 & Light Company dba AES Ohio (AES) is an electric light company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. Accordingly, AES is subject to the Commission's jurisdiction.

{¶ 3} On May 26, 2023, Benjamin Florkey (Complainant) initiated a complaint against AES alleging that AES' practice of estimating Complainant's usage for eight months and then charging the actual charges following an actual reading resulted in excessive charges.

{¶ 4} On June 15, 2023, AES filed its answer to the complaint. In its answer, AES admits that Complainant is a customer of AES, and that AES estimated usage until performing an actual read, then applied its then-current rates to all uncharged usage. AES

also admits that the Complainant contacted AES about these charges. AES denies the other allegations and raises several affirmative defenses.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference. 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.

{¶ 6} Accordingly, a settlement conference shall be scheduled for August 8, 2023, at 10:30 a.m. at the offices of the Commission, 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. An attorney examiner will meet the parties on the 11th floor and escort them to the appropriate conference room.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference. All parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the settlement conference be scheduled for August 8, 2023, at 10:30 a.m., as indicated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Clint R. White

By: Clint R. White
Attorney Examiner

GNS/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). 23-0598-EL-CSS

Summary: Attorney Examiner Entry that a settlement conference shall be scheduled for August 8, 2023, at 10:30 a.m. at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Clint R. White, Attorney Examiner, Public Utilities Commission of Ohio.