



Ohio Administrative Code Rule 4901-9-01 Complaint proceedings.

Effective: June 15, 2014

(A) Except in unusual circumstances, any customer or consumer with a service or billing problem should first contact the public utility to attempt to resolve the problem. If that attempt is unsuccessful, the customer or consumer is encouraged to contact the commission's call center prior to the filing of a formal complaint. If a customer or consumer bypasses the commission's call center and files a formal complaint, the commission's legal department may refer the complaint to the commission's call center for an opportunity to resolve the issue before formally proceeding with the complaint.

(B) All complaints filed under section 4905.26 and section 4927.21 of the Revised Code, except complaints filed by a public utility concerning a matter affecting its own product or service, shall 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. Sample complaint forms may be obtained by contacting the commission's service monitoring and enforcement department. If discrimination is alleged, the facts that allegedly constitute discrimination must be stated with particularity. Upon receipt of such a complaint, the docketing division shall serve a copy of the complaint upon the public utility complained against, together with instructions to file an answer with the commission in accordance with the provisions of this rule. The public utility complained against shall file its answer with the commission within twenty days after the mailing of the complaint, or such period of time as directed by the commission, the legal director, the deputy legal director, or an attorney examiner, and shall serve a copy upon all parties in accordance with rule 4901-1-05 of the Administrative Code. An answer must be filed in accordance with this paragraph, whether or not the public utility files a motion to dismiss the complaint or any other motion in response to the complaint.

(C) Each defense to a complaint shall be asserted in an answer. In addition, the following defenses or assertions may, at the option of the public utility complained against, also be raised by motion:

(1) Lack of jurisdiction over the subject matter.



(2) Lack of jurisdiction over the person.

(3) Failure to set forth reasonable grounds for complaint.

(4) Satisfaction of the complaint or settlement of the case.

(D) The public utility shall state in its answer, in short and plain terms, its defenses to each claim asserted, and shall admit or deny the allegations upon which the complainant relies. If the public utility is without sufficient knowledge or information to form a belief as to the truth of an allegation, it shall so state and this has the effect of a denial. If the public utility intends in good faith to deny all of the allegations in the complaint, it may do so by general denial. If it does not intend to deny all of the allegations in the complaint, it shall either make specific denials of designated allegations or paragraphs, or generally deny all allegations except those allegations or paragraphs that it expressly admits. Unless otherwise ordered by the commission, the legal director, the deputy legal director, or an attorney examiner, all material allegations in the complaint which are not denied in the answer shall be deemed admitted for purposes of the proceeding.

(E) If a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request, in writing, that the commission provide assistance to prevent the termination of service during the pendency of the complaint. The person must explain why he or she believes that service is about to be terminated and why the person believes that the service should not be terminated. A person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute. The commission, legal director, deputy legal director, or an attorney examiner will issue a ruling on the request.

(F) If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within twenty days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint. Any filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement



or be accompanied by another document that states that, pursuant to a commission rule, the complainant has twenty days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

(G) The legal director, deputy legal director, or an attorney examiner assigned to a complaint case shall schedule a settlement conference to attempt to resolve the issues in the case prior to hearing. The settlement conference will be conducted pursuant to the Uniform Mediation Act found in Chapter 2710. of the Revised Code. The settlement conference may be waived at the request or agreement of all the parties or if the attorney examiner is informed that prior formal attempts to resolve the dispute were made and were unsuccessful. Unless good cause is shown, settlement conferences shall be held at the offices of the commission.

(H) If a conference is scheduled to discuss settlement of the issues in a complaint case, the representatives of the public utility shall investigate prior to the settlement conference the issues raised in the complaint and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues.