

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Jim Masfi,)
Complainant,)
v.) Case No. 06-1154-EL-CSS
Duke Energy Ohio, Inc.,)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On September 22, 2006, Mr. Jim Masfi¹ (Mr. Masfi or complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke Energy). In the complaint, Mr. Masfi alleges that in May 2006, he requested that Duke Energy provide him an actual reading of the meter at his tenant's residence at 3435 Cornell Place, 3rd Floor in Cincinnati, Ohio. Because the tenant planned to end the tenancy, Mr. Masfi states that he requested an accurate reading for June so that he could settle the electric service account with the tenant before the tenant's departure. Mr. Masfi alleges that Duke Energy provided an actual reading. In reliance upon the reading, Mr. Masfi states that he settled the account with his tenant.

Mr. Masfi alleges that he was surprised when, in August 2006, Duke Energy issued him a bill for \$850. When Mr. Masfi contacted the company, he contends that Duke Energy admitted that there was an error in its meter reading for the month of June. He believes that Duke should be held responsible for its mistake and the charges.

- (2) Duke Energy filed an answer to the complaint on October 13, 2006. For its answer, Duke denies that the complainant requested an actual reading of the meter located at 3435 Cornell Place, 3rd Floor. Duke Energy admits, however, that its meter

¹ In its Answer, Duke Energy notes that the Commission's records incorrectly list the complainant's name as "Misti."

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reader obtained an actual reading of the meter on June 6, 2006. Because the reading appeared to be significantly higher than prior estimated readings and consumption, Duke Energy alleges that it did not use the reading to calculate the complainant's bill. Instead, the company states that it adjusted consumption downward to more normal consumption levels and billed accordingly.

Duke Energy admits that it submitted a bill for \$846.67 on August 9, 2006. The bill was based on an actual August 4, 2006, reading. According to Duke Energy, the bill included canceled and re-billed charges constituting a true-up of consumption dating back to December 6, 2005.

Duke Energy points out that bills for the period December 2005 through August 2006 are mostly estimated electric bills because the company was denied access to the meter. Duke Energy explains that it was prevented access to the meter by the complainant's locked door. Duke Energy alleges that bills for this period included requests that the complainant make meter reading arrangements. Upon an August 15, 2006, request from the complainant, Duke Energy terminated service to the residence on August 16, 2006. Duke Energy denies that it made a mistake, asserting that it has complied with its tariffs, the Ohio Administrative Code, and the Ohio Revised Code.

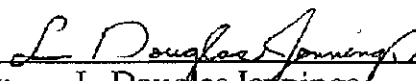
- (3) This case should be set for a prehearing conference on May 9, 2007, at 1:30 p.m. at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. The purpose of the conference is to determine whether this matter can be resolved informally.


It is, therefore,

ORDERED, That a prehearing conference be held in accordance with Finding (3). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner

/vrm

Entered in the Journal

APR 11 2007



Renee J. Jenkins
Secretary