

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Sharon  
Wilson,

Complainant,

v.

Duke Energy Ohio,

Respondent.

Case No. 09-648-GA-CSS

## ENTRY

The attorney examiner finds:

- (1) On July 27, 2009, Sharon Wilson filed a complaint against Duke Energy Ohio, (Duke) alleging that Duke has improperly billed her for gas service. Ms. Wilson contends that, because her gas meters have been tested by Duke and found not to accurately register gas usage within the Commission's guidelines, Duke's gas usage estimates and associated charges are incorrect. Ms. Wilson seeks a readjustment of her bill and a credit. Ms. Wilson also requests that the Commission order that Duke not disconnect her gas service until this matter is resolved.
- (2) Rule 4901-9-01(D), Ohio Administrative Code (O.A.C.), provides that, if a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request that the Commission prevent the termination of service during the pendency of the complaint and must agree to pay, during the pendency of the complaint, all amounts to the utility that are not in dispute.
- (3) The attorney examiner finds that it is not appropriate for Duke to disconnect the gas service of Ms. Wilson during the pendency of this complaint, for failure to pay amounts in dispute in this proceeding. However, nothing in this entry excuses Ms. Wilson from making payment of all amounts not in dispute and Ms. Wilson is directed to timely pay all billings that she does not dispute in this proceeding.

- (4) The attorney examiner also finds that a settlement conference should be held in this case. Accordingly, this matter should be scheduled for a settlement conference on August 25, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12<sup>th</sup> floor, Legal Conference Room 1246, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. The parties should bring all relevant documents with them to the conference. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1966).

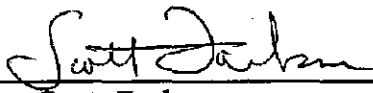
It is, therefore,

ORDERED, That Duke not disconnect the utility service of Ms. Wilson during the pendency of this complaint, for failure to pay amounts in dispute in this proceeding; provided, however, that Ms. Wilson shall timely pay all billings that are not so in dispute. It is, further,

ORDERED, That a settlement conference be held in accordance with finding 4. It is, further,

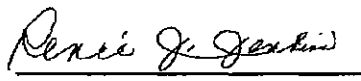
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Scott Farkas  
Attorney Examiner

Entered in the Journal

JUL 28 2009

  
Renee J. Jenkins  
Secretary