

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of John Ondrovich, )  
 )  
 Complainant, )  
 )  
 v. ) Case No. 09-917-EL-CSS  
 )  
 Duke Energy Ohio, )  
 )  
 Respondent. )

ENTRY

The attorney examiner finds:

- (1) On October 7, 2009, John Ondrovich (Mr. Ondrovich) filed a complaint against Duke Energy Ohio (Duke). Mr. Ondrovich states that he is not currently a Duke customer. He adds that on August 17, 2009, he purchased property at 2020 Milton Street in Indian Springs, Ohio, via a land installment contract. Mr. Ondrovich asserts that under terms of the contract he had ten days from August 17, 2009, to transfer utility services into his name. However, he contends, on approximately August 21, 2009, while moving into the property, Duke removed electric lines from the residence, disconnected the lines from the utility pole, and left the wires hanging on the side of his home.

Mr. Ondrovich states that he called Duke as soon as he learned of the disconnection of service and was told by Duke that the disconnection was because the prior owner had not paid an outstanding bill. Mr. Ondrovich asserts that he faxed information to Duke to prove that he was a new owner of the home, but Duke responded by stating that service was denied because (1) the property was in foreclosure and (2) Mr. Ondrovich had lived in the residence for many years and was responsible for "past due usage and tampering fees."

Mr. Ondrovich contends that Duke is discriminating against him, despite his purchase of the property via a legal contract, and he asserts that the property is not in foreclosure. Mr. Ondrovich requests the Commission's assistance in having his utility service turned on prior to the start to winter weather.

He adds that he will pay any security deposit required by Duke.

- (2) Duke filed its answer to the complaint on October 27, 2009. Duke admits that the property at issue is at the address indicated by Mr. Ondrovich. However, Duke contends, although Mr. Ondrovich advised Duke that he was the new owner of the property, the land installment contract that he faxed to Duke has no indication that it was filed with the Recorder of Butler County, Ohio.

Duke contends that electric service to the property was disconnected for nonpayment on approximately May 15, 2008, but the service was discovered to be active at the property in July 2009. Duke states that it then disconnected the electrical wires at the utility pole. Duke admits that it received calls from Mr. Ondrovich, "who was advised that service could not be provided until an investigation was complete."

Duke admits that it refused service and asserts that it has done so under Chapter 4901:1-18, Ohio Administrative Code, and other applicable service rules, which indicate conditions under which a utility can terminate service, including tampering with service equipment. In Duke's opinion, it is acting in conformance with applicable Commission rules and statutes.

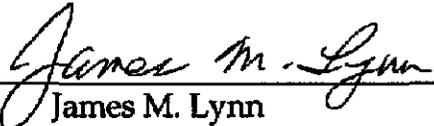
- (3) The attorney examiner considers this matter appropriate for a prehearing conference. Accordingly, a prehearing conference is scheduled for December 8, 2009, at 11:00 A.M. in Hearing Room 1246 at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That a prehearing conference be scheduled as indicated in Finding (3) above. It is, further,

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

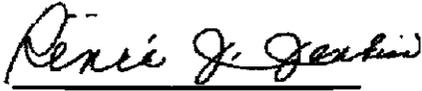
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: James M. Lynn  
Attorney Examiner

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Entered in the Journal

NOV 24 2009



Renee J. Jenkins  
Secretary