

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Elbert Stidham,)	
)	
Complainant,)	
)	
v.)	Case No. 11-4788-GE-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 16, 2011, Elbert Stidham (Mr. Stidham) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that Duke has incorrectly billed him for usage by another customer.
- (2) On September 6, 2011, Duke answered by stating that Mr. Stidham owns rental property that has a master meter for all tenants, rather than separate meters for each tenant. Because of this, Duke adds, it has properly complied with Commission rules, which require the property owner to be responsible for gas and electric accounts when tenants do not have separate meters.
- (3) On September 14, 2011, the attorney examiner issued an entry scheduling an October 3, 2011, settlement conference. Shortly thereafter, Mr. Stidham contacted the attorney examiner and indicated that he could not attend the conference.
- (4) Accordingly, the attorney examiner finds that the October 3, 2011, settlement conference shall be cancelled.
- (5) In order to proceed in this matter, it is necessary to reschedule the settlement conference. To that end, the attorney examiner finds that Mr. Stidham should file, no later than October 14, 2011, a letter indicating alternate dates that he can attend 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 Rule 4901-1-26, Ohio Administrative Code (O.A.C.), 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (6) If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference 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. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (8) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the October 3, 2011, settlement conference be cancelled. It is, further,

ORDERED, That, by October 14, 2011, Mr. Stidham shall file a letter indicating alternate dates that he can attend a settlement conference. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

JS/dah

By: *James M. Lynn*
James M. Lynn
Attorney Examiner

Entered in the Journal
SEP 28 2011

Betty McCauley
Betty McCauley
Secretary