

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Elegant Autowash, Inc.,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 12-1302-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 20, 2012, Elegant Autowash, Inc. (complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke) alleging that, in January of 2012, it saw a substantial increase in its electric bill. Complainant explains that it noticed an increase of over 100 percent in its February and March electric bills, mostly coming from the generation rider. Complainant further explains that a sample customer cited in a Duke Webinar, with a comparable load factor and a kWh usage 5 times greater than complainant, had a generation charge that was less than complainant's charge. In an effort to investigate the difference, complainant contacted Duke, and Duke's customer service representative explained that credits generated under the Electric Security Stabilization Rider offset much of the load factor for higher usage customers. Complainant requests a fairer, more proportional method of cost allocation among customers for the new charge.
- (2) On May 9, 2012, Duke filed its answer to the complaint, stating that it denies the allegations set forth in the complaint and denies that its actions were unjust, unreasonable, or otherwise in violation of any applicable law, regulation, Commission order, or tariff. Duke further asserts that complainant has failed to set forth reasonable grounds for complaint.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. 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. 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.
- (4) Accordingly, a settlement conference shall be scheduled for October 11, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1247, Columbus, Ohio 43215-3793. 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.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., Duke 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.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1996).

It is, therefore,

ORDERED, That a settlement conference be scheduled for October 11, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Room 1247, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Katie Stenman

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By: Katie L. Stenman  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/12/2012 2:43:32 PM**

**in**

**Case No(s). 12-1302-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 10/11/12 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 12th Flr., Rm. 1247, Columbus, Ohio. - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio