

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Tiffany	)	
Brooks,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 13-2093-GE-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On October 15, 2013, Tiffany Brooks (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke). The Complainant alleged that Duke accused her of fraudulently using the identity of another to obtain electric service, that Duke disconnected her services, and required her to pay \$605 to reestablish service.
- (2) Duke filed an answer on October 31, 2013. Duke alleged that it conducted an investigation and concluded that the Complainant had fraudulently used the identity of another to obtain utility service.
- (3) The settlement conference in this case was initially scheduled for December 17, 2013. However, at the request of the Complainant, the settlement conference was rescheduled twice. The settlement conference was held, as rescheduled, on March 10, 2014. At the settlement conference, the parties were not able to reach an agreement. Therefore, by subsequent Entry, this case will be set for hearing.
- (4) In the October 15, 2013 complaint, the Complainant requested assistance from the Commission to prevent disconnection of her service during the pendency of the complaint.
- (5) Ohio Adm.Code 4901-9-01(E) provides that, if a complainant is facing termination of service by the public utility, the

complainant may request that the Commission prevent the termination of service during the pendency of the complaint. Ohio Adm.Code 4901-9-01(E) also provides that a person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute.

- (6) Initially, the attorney examiner finds that, for purposes of this proceeding, the amounts in dispute are those charges that were incurred by the complainant and billed by Duke, including fees, deposits, or other charges, on or before October 15, 2013, which is the date this complaint was filed. Amounts not in dispute are those charges that were incurred by the complainant and billed by Duke, including fees, deposits, or other charges, after October 15, 2013. Prior to ruling on the Complainant's request, the attorney examiner finds it necessary to require Duke to file a responsive pleading. In the response, Duke shall clearly set forth, as defined above, the amount it asserts is in dispute in this case and amounts, if any, it asserts are not in dispute, but owed by the Complainant. Notwithstanding the allegations set forth by Duke in this matter, if there are amounts that are not in dispute, but are owed by the Complainant, Duke shall explain the payment options available to the Complainant during the pendency of this complaint, including: possible payment plans; percentage income payment plan options; and any other options available to the Complainant to bring the undisputed amount current. Accordingly, Duke should file this responsive pleading by April 4, 2014.
- (7) Finally, upon receipt of Duke's responsive pleading required by finding (6), the attorney examiner will consider the Complainant's October 15, 2013 request and Duke's responsive pleading, and issue an Entry ruling on the Complainant's request. Until such time as this subsequent Entry is issued and the Complainant's request regarding disconnection is ruled on, Duke shall not disconnect the Complainant's service.

It is, therefore,

ORDERED, That, in accordance with finding (6), Duke file a responsive pleading. It is, further,

ORDERED, That Duke comply with finding (7). 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

s/ L. Douglas Jennings

By: L. Douglas Jennings  
Attorney Examiner

jrj/vrm

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

**Commission of Ohio Docketing Information System on**

**3/28/2014 11:47:36 AM**

**in**

**Case No(s). 13-2093-GE-CSS**

Summary: Attorney Examiner Entry directing Duke Energy to file a responsive pleading by April 4, 2014; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio