

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 Commission finds:

- (1) On October 15, 2013, Tiffany Brooks (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke). Ms. Brooks alleged that Duke wrongfully disconnected her electricity service for nonpayment, that Duke accused her of fraudulently using the identity of another to obtain service at 5102 Ebersole, Cincinnati, Ohio (Ebersole), and that Duke required her to pay \$605 to establish service after the disconnection. The Complainant alleged that Bernice Bryant, the grandmother of her roommate, owed and accepted responsibility for the bill and had been making payments on the account.
- (2) Duke filed an answer on October 31, 2013, in which it alleged that it had conducted an investigation that concluded that the Complainant had fraudulently established a utility account in the name of the grandmother of the Complainant's roommate.
- (3) By Entry issued November 25, 2013, the attorney examiner scheduled a settlement conference for December 17, 2013. However, at the request of the Complainant, the settlement conference was rescheduled twice. Ultimately, the settlement conference was held, as rescheduled, on March 10, 2014, but the parties did not resolve the dispute.
- (4) By Entry issued March 28, 2014, the attorney examiner, for purposes of a hearing, determined the amounts in dispute by a specific date. The attorney examiner directed Duke to calculate

the amounts in dispute based on fees, deposits, and other charges that existed prior to October 15, 2013. The attorney examiner also ordered Duke to explain to the Complainant available payment options for undisputed amounts. Duke filed a response on April 4, 2014, and June 12, 2014. Duke asserted that only \$610.29 was in dispute, which was the amount of the charges that it claims were fraudulently placed on another account.

- (5) By Entry issued July 10, 2014, the attorney examiner scheduled the complaint for hearing to take place on August 28, 2014. The hearing proceeded as scheduled. The Complainant neither appeared nor explained her absence.
- (6) At the hearing, Duke proceeded with its case. Duke put on a witness who summarized the complaint and narrated the details of Duke's investigation of the complaint. The witness stated that Duke's investigation, which relied upon an identity theft affidavit containing documents and information provided by Bernice Bryant, led it to conclude that the Complainant had fraudulently used the identity of Bernice Bryant to obtain utility service. Bernice Bryant is the grandmother of the Complainant's roommate. According to the witness, the company's investigation concluded that the Complainant had, without authorization from Bernice Bryant, established service at Ebersole in the name of Bernice Bryant and that Bernice Bryant did not live at Ebersole. According to the witness, to substantiate its claim, Duke received an identity theft affidavit from Bernice Bryant affirming that she did not authorize an account in her name be opened or maintained. Among other items, the identity theft affidavit included a copy of a police report filed by Bernice Bryant in which she claimed identity fraud and that known suspects used her information to open a Duke account. Duke also had telephone calls with Bernice Bryant where she denied that she established or authorized electric service at Ebersole. From documents and conversations, Duke concluded that Bernice Bryant's name and information were used without her authorization. The witness added that the Complainant would not have qualified for service in her own name because of an unpaid balance on a prior Duke account. After concluding that the Complainant was responsible for the unpaid charges, Duke required the Complainant to pay \$605, approximately half the final bill of

\$1,215.29. Duke transferred the remaining charge, totaling \$610.29, to the Complainant's account. The Complainant paid \$605, after which Duke restored service.

- (7) In a complaint proceeding, the complainant has the burden of proof. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).
- (8) The Commission finds that, because of the Complainant's failure to appear at the hearing, the complaint should be dismissed for failure of the Complainant to prosecute.

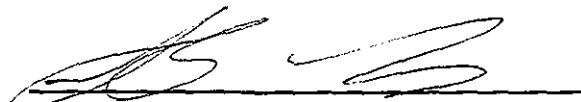
It is, therefore,

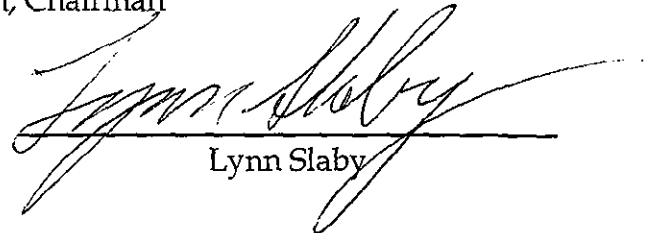
ORDERED, That the complaint is dismissed for failure of the Complainant to prosecute and this case is closed of record. It is, further,

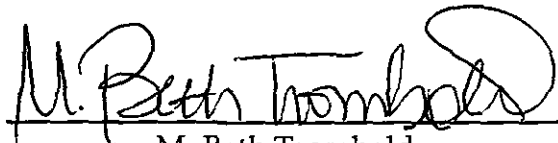
ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser

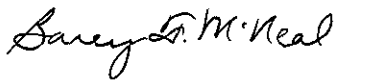

Lynn Slaby


M. Beth Trombold


Asim Z. Haque

LDJ/vrm

Entered in the Journal
FEB 03 2015


Barcy F. McNeal

Barcy F. McNeal
Secretary