

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
AFRIYE OWUSU,**

**COMPLAINANT,**

**v.**

**CASE NO. 16-1733-EL-CSS**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on January 24, 2017

{¶ 1} On August 16, 2016, Afriye Owusu (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke or Respondent). The complaint alleges, among other things, that, on March 3, 2012, Duke “failed to turn on the electrical power at the agreed-upon time” at Complainant’s residence. As a result, claims Complainant, he was left “to feel around in the dark,” fell, and sustained permanent injury to his neck.

{¶ 2} Duke filed its answer on September 6, 2016. In its answer, Respondent admits that it is a public utility providing electric service to customers in Ohio, but otherwise denies all other of the complaint’s allegations and sets forth several affirmative defenses.

{¶ 3} A settlement conference was scheduled for and held on January 12, 2017. However, the parties were unable to resolve the dispute at that time.

{¶ 4} R.C. 4905.26 requires that the Commission set for hearing a complaint against a public utility whenever reasonable grounds appear that any rate charged or demanded is in any respect unjust, unreasonable, or in violation of law, or that any practice affecting or relating to any service furnished is unjust or unreasonable.

{¶ 5} The attorney examiner finds that reasonable grounds for complaint have been stated and that a hearing should proceed on the question of whether Respondent's alleged failure to turn on electrical power at Complainant's residence at an allegedly agreed-upon time constitutes an unjust or unreasonable practice that violates of R.C. 4905.26. Accordingly, a hearing in this case should be, and hereby is scheduled to occur on March 2, 2017, at 11:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

{¶ 6} The attorney examiner finds that any claim related to monetary damage is beyond the scope of this Commission's jurisdiction and that, consequently, to the extent that the Complainant is seeking to bring such a claim, it will not be addressed in the context of this complaint proceeding. Such a claim should necessarily be prosecuted, if at all, in a court of competent jurisdiction.

{¶ 7} All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.

{¶ 8} Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

{¶ 9} In complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E. 2d 666 (1966), Therefore, at hearing, it shall be Complainant's responsibility to appear and to present evidence in support of the complaint.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing in this matter be scheduled for March 2, 2017, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

*/s/ Daniel E. Fullin*

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/dah

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

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**Case No(s). 16-1733-EL-CSS**

Summary: Attorney Examiner Entry ordering a hearing in this matter be scheduled for March 2, 2017, at 11:00 a.m. at the Commission offices, 180 East Broad Street, 11th floor, Hearing Room 11-A, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.