

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
ISHTON MORTON,**

**COMPLAINANT,**

**v.**

**CASE NO. 19-159-EL-CSS**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on May 17, 2019

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Duke Energy Ohio (Duke or Respondent), is a public utility as defined in R.C. 4905.02. As such, Duke is subject to the Commission's jurisdiction.

{¶ 3} On January 22, 2019, Ishton Morton (Complainant) filed a complaint against Duke alleging that Duke has violated several statutes and Commission rules and that Duke has engaged in unfair billing practices and procedures.

{¶ 4} On February 5, 2019, Duke filed its answer to the complaint, denying many of the allegations contained therein. Additionally, Duke raised several affirmative defenses, including, but not limited to, the following: Complainant does not assert any allegations of fact that would give rise to a cognizable claim against the Company; Complainant fails to set forth reasonable grounds for complaint; Complainant has not stated any request for relief that can be granted by this Commission; and the Commission lacks subject matter jurisdiction to grant the requested relief.

{¶ 5} By Entry dated February 7, 2019, the attorney examiner scheduled a settlement conference in Columbus, Ohio, for March 25, 2019.

{¶ 6} A settlement conference was held on March 25, 2019. However, the Complainant did not attend the settlement conference.

{¶ 7} On April 29, 2019, the attorney examiner directed the Complainant to notify the attorney examiner by May 19, 2019, if he intended to pursue this matter.

{¶ 8} On May 13, 2019, the Complainant contacted the attorney examiner by telephone and expressed his desire to pursue this matter.

{¶ 9} At this time, the attorney examiner finds that this matter should be set for hearing. Accordingly, an evidentiary hearing shall commence on June 25, 2019, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. Further, testimony shall be filed by June 11, 2019, in order to allow sufficient time for review and depositions prior to the hearing.

{¶ 10} 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, 214 N.E.2d 666 (1966).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a hearing be scheduled, in accordance with Paragraph 9. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

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By: Stacie E. Cathcart  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

**5/17/2019 2:33:00 PM**

**in**

**Case No(s). 19-0159-EL-CSS**

Summary: Attorney Examiner Entry scheduling hearing for 06/25/2019 at 10:00 a.m. in accordance with Paragraph 9 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio