

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Doug Mink)	
)	Case No. 19-1305-EL-CSS
Complainant)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent)	

**MEMORANDUM OF DUKE ENERGY OHIO, INC. CONTRA THE APPLICATION
FOR REHEARING FILED BY COMPLAINANT DOUG MINK**

On July 15, 2020, the Public Utilities Commission of Ohio (Commission) issued an Opinion and Order (Order), deciding this customer complaint case in favor of Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company).¹ The Commission found that Mr. Mink, the Complainant, “has not carried his evidentiary burden of proving that Respondent, Duke Energy Ohio, Inc., has breached any legal obligation that it holds as a public utility subject to the Commission’s jurisdiction.”² On August 12, 2020, Mr. Mink sought rehearing in this case.³

I. ARGUMENT

**A. Mr. Mink’s Application for Rehearing Should Be Denied Because It Is
Procedurally Insufficient.**

Mr. Mink’s application for rehearing fails to “set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful”⁴ and to “set[] forth an explanation of the basis for each ground for rehearing.”⁵ The application contains less than 1.5

¹ Opinion and Order, p. 19 (July 15, 2020).

² Id., p. 1.

³ Motion Application for Rehearing (August 12, 2020) (AFR).

⁴ R.C. 4903.10(B).

⁵ O.A.C. 4901-1-35(A).

pages of text, comprised of an indeterminate number of purported grounds for rehearing,⁶ without a single citation to statute, regulation, record evidence, or even to the portions of the Order that Mr. Mink considers to be unreasonable and unlawful. Mr. Mink provides no “explanation or legal support” for any of his “contention[s].”⁷ For these reasons alone, his application for rehearing should be denied.

B. Mr. Mink’s Allegations Offer No Basis for Rehearing.

Insofar as the Company can discern, Mr. Mink lays out two attempted arguments, neither of which offers any basis for rehearing.

First, Mr. Mink alleges he was not “properly served” a copy of the Order.⁸ The relevant Service Notice, however, shows that Mr. Mink was served at both the customer address and the service address listed on his Complaint.⁹ Although the name of the addressee was incorrect for the second copy of the Order (mailed to the service address), the Order nonetheless was served there as well. It appears that Mr. Mink refers to this second copy when he alleges that he only received half the pages in the Order.¹⁰ However, Mr. Mink does not allege that the first copy, sent to his customer address was incomplete, so it can be presumed that he was properly served. Even if both service copies had been incomplete as alleged, they would have made Mr. Mink aware that an Order was issued, and Mr. Mink could easily have accessed the Order online. Indeed, Mr. Mink confirmed during the hearing in this case that he was aware of the online docket and he

⁶ See AFR, pp. 1-2.

⁷ *In the Matter of the Applications of a Settlement Agreement Between the Public Utilities Commission of Ohio and SRS, Inc.*, Case No. 01-2675-TR-UNC, Entry on Rehearing, pp. 1-2 (December 20, 2001) (denying an application for rehearing that “does not meet this specificity requirement”).

⁸ AFR, p. 1.

⁹ Compare Service Notice, p. 1 (July 15, 2020) (listing Mr. Mink at 6999 Emery Court, West Chester, Ohio 45069) with Formal Complaint, p. 1 (June 11, 2019) (listing same address as “Customer Address”); compare Service Notice, p. 3 (July 15, 2020) (listing a party at 11034 Woodward Lane, Cincinnati, Ohio 45241) with Formal Complaint, p. 1 (June 11, 2019) (listing same address as “Customer Service Address”).

¹⁰ See AFR, p. 1 (referring to the incomplete copy as having a mailing label with “Duke Energy” on it, which is the incorrect addressee name on the service address).

committed—on the record—to check it “going forward.”¹¹ Accordingly, Mr. Mink’s allegations about the mailing of the Order offer no basis for rehearing.

Second, Mr. Mink alleges that his gas meter was removed in “retaliation for this current action now before PUCO.”¹² This allegation is completely outside the scope of this proceeding, which is a complaint about Mr. Mink’s billing for electric service at 11034 Woodward Lane, Cincinnati, OH,¹³ and therefore is not a valid basis for rehearing.

II. CONCLUSION

For the foregoing reasons, the Commission should deny Mr. Mink’s Application for Rehearing in its entirety.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

Rocco O. D’Ascenzo (0077651)

Deputy General Counsel

Larisa M. Vaysman (0090290) (Counsel of Record)

Senior Counsel

Duke Energy Business Services LLC

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

(513) 287-4359

(513) 287-4385 (facsimile)

Rocco.D’Ascenzo@duke-energy.com

Larisa.Vaysman@duke-energy.com

Willing to accept service via email

Attorneys for Duke Energy Ohio, Inc.

¹¹ See Hearing Tr., pp. 22-23.

¹² AFR, p. 1.

¹³ See Formal Complaint (June 11, 2019). Insofar as the Company can discern, Mr. Mink is referring to a gas meter removed from a different service address earlier this year. If so, then this gas meter was removed due to prolonged inactivity, and not out of any sort of retaliation. There had been no active gas service to that address for well over two years.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Memorandum of Duke Energy Ohio, Inc. Contra the Application for Rehearing Filed by Complainant Doug Mink*, was served on the following parties this 24th day of August, 2020 by regular U. S. Mail, overnight delivery or electronic delivery.

VIA U.S. MAIL

Doug Mink
6999 Emery Court
West Chester, Ohio 45069

Doug Mink
11034 Woodward Lane
Cincinnati, Ohio 45241

VIA ELECTRONIC MAIL

minkpb@yahoo.com

/s/ Larisa M. Vaysman
Larisa M. Vaysman

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Case No(s). 19-1305-EL-CSS

Summary: Memorandum Doug Mink Complaint - Memo Contra Application for Rehearing electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and Vaysman, Larisa and Kingery, Jeanne W