

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
SO & GE LLC,**

CASE NO. 20-1818-GE-CSS

COMPLAINANT,

v.

DUKE ENERGY OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on January 26, 2021

{¶ 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, Inc. (Duke) is an electric light company and natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On December 28, 2020, Hizam Akkawi (Mr. Akkawi), on behalf of SO & GE LLC (Complainant), filed a complaint against Duke. Among other things, Mr. Akkawi alleges that he called Duke after Complainant received a bill for roughly \$25,000. Further, Mr. Akkawi alleges that a former employee told him that the employee had reported to Duke by phone that Mr. Akkawi “was stealing electricity.” Mr. Akkawi further alleges that Duke, after receiving the phone call from the former employee, compared Complainant’s usage to that of the previous business and stated there is a discrepancy. Mr. Akkawi claims that, in response, he informed Duke: (1) that he uses more gas-operated equipment than did the previous business; and (2) that the Duke employee he spoke with had treated him rudely and threatened him with disconnection if he did not pay. Mr. Akkawi asserts that, beyond the words of a disgruntled former employee, no proof exists to support a claim that service

tampering for which Complainant should be held accountable has occurred. In closing, Mr. Akkawi asserts that he has tried to keep up with Complainant's bills from Duke, which he claims are far greater than in the past, but he admits that, due to COVID-19, he has fallen short in doing so.

{¶ 4} On January 19, 2021, Duke filed its answer to the complaint, in which it denies all of the complaint's allegations and sets forth several affirmative defenses. Specifically, Duke acknowledges that Mr. Akkawi is the one who filed the complaint but asserts that the customer account involved in this complaint case is a business account, with the customer being SO & GE LLC. Duke, in its answer, states that it lacks sufficient information to form a belief as to the truth of the complaint's allegations regarding calls made by a former employee, which Duke considers to be too vague and ambiguous for Duke to respond to and, therefore, denies such allegations. Beyond this, Duke admits that an anonymous person contacted Duke in July 2020 stating that Mr. Akkawi had been saying that he tampered with the electric meter. Further, in its answer, Duke admits that, on July 16, 2020, a Duke investigator went to investigate the meter at the service address identified in the complaint. According to Duke's answer, the investigator found the electric meter seal cut and the bypass bar in the meter base, indicating tampering. Answering further, Duke admits that, in July 2020, it added a charge to the involved business account for estimated past due usage from December 15, 2015, to July 16, 2020, in the amount of \$22,933.39, with the estimate being based on historical usage.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits any party

from initiating settlement negotiations prior to the scheduled settlement teleconference.

{¶ 6} Accordingly, a settlement conference call shall be scheduled for February 11, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 939 345 433#.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement teleconference, and all parties participating in the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement teleconference be scheduled for February 11, 2021, at 10:00 a.m., as indicated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

GAP/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/26/2021 11:47:41 AM

in

Case No(s). 20-1818-GE-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference for 2.11.21 at 10:00 a.m. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio