

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF GEORGE DREILING,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-483-EL-CSS**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on May 25, 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 a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On April 21, 2021, George Dreiling (Mr. Dreiling or Complainant) filed a complaint against Duke, disputing charges on his bill and objecting to receiving a disconnect notice. Mr. Dreiling explains that a rental property he owns in Cincinnati had been upgraded with new wiring in summer 2020; Duke was to install two new meters after completion of the upgrade. Before the new meters were installed, Complainant contends, tenants that had been evicted contacted Duke and alleged that Mr. Dreiling “was stealing electricity,” after which the electricity was shut off. Complainant asserts that neither he nor the tenants were notified of the disconnection before it occurred. According to Mr. Dreiling, he then contacted an electrician to “jump” the existing meter and restore power; Duke subsequently installed two new meters and the property passed a final inspection by the city of Cincinnati. Complainant adds that, later, tenants informed him that Duke had sent a letter to the rental address indicating that Mr. Dreiling owed

\$2,436.52. Mr. Dreiling emphasizes that any bills sent to him should have been mailed to his home address, not the rental address, and that he always pays his bills on time. Complainant also contends that Duke eventually disconnected the “jumped” meter. Mr. Dreiling asserts that he could not have been “stealing electricity” while he was receiving electrical inspections regarding the upgrade for electric service.

{¶ 4} Duke filed its answer on May 11, 2021. Duke states that Complainant was sent a disconnect notice of \$183.75 and that there was no disconnection of electricity. Duke denies all remaining allegations made by Mr. Dreiling.

{¶ 5} Ohio Adm.Code 4901-9-01(E) provides that, if a person filing a complaint against a public utility is facing termination of service, that person may request that the Commission prevent termination of service during the pendency of the complaint. It also provides that a person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute.

{¶ 6} Upon review of the complaint, there appears to be a genuine billing dispute between the parties. Therefore, the attorney examiner finds that it is not appropriate for Duke to disconnect service to Complainant at this time. However, nothing in this Entry excuses Mr. Dreiling from making payments of all amounts not in dispute, and Complainant is directed to timely pay all bills that he does not dispute.

{¶ 7} Further, the attorney examiner finds that this matter should be scheduled for a settlement conference to be conducted by telephone. 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 conference.

{¶ 8} Accordingly, a telephone conference shall be scheduled for June 3, 2021, at 10:00 a.m. The parties shall dial 1-614-721-2972 and enter conference code 911 683 454#. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

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

{¶ 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 Duke refrain from terminating Complainant's service during the pendency of this complaint, in accordance with Ohio Adm.Code 4901-9-01(E). It is, further,

{¶ 13} ORDERED, That a telephone settlement conference be scheduled on June 3, 2021, at 10:00 a.m., as indicated in Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn  
Attorney Examiner

MJA/hac

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 21-0483-EL-CSS**

Summary: Attorney Examiner Entry ordering that Duke refrain from terminating Complainant's service during the pendency of this complaint, in accordance with Ohio Adm.Code 4901-9-01 (E) and that a telephone settlement conference be scheduled on June 3, 2021, at 10:00 a.m., as indicated in Paragraph 8 electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission