

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Larry Peterson,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 14-744-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 21, 2014, Larry Peterson (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that he was incorrectly billed by Duke. Complainant contends that he was billed for electric usage for a "different part of the building," specifically a "garage storage room," even though he only rents "the upstairs of this apartment."
- (2) Duke filed its answer on May 12, 2014. Duke admits that it had incorrectly billed Complainant for service to the garage storage room. Duke adds that once Complainant brought the error to Duke's attention, it corrected the billing error by applying to Complainant's correct account number every payment made by Complainant to the incorrect account number. Duke also states that the account for the garage storage room has been placed in the name of the landlord of the property where Complainant lives.
- (3) On May 22, 2014, Duke filed a motion to dismiss the complaint and to cancel the settlement conference scheduled for June 19, 2014. In the motion, Duke reasserts its contentions summarized in finding (2). Further, Duke contends that Complainant has not alleged that Duke has violated its tariff or Commission regulations. Duke concludes that there is nothing left to be done at the settlement conference and that the parties should not have to incur time and expense attending a conference in Columbus. Alternatively, Duke adds that if the

conference is not cancelled, the parties should have the opportunity to participate in the conference by telephone.

- (4) Complainant did not respond to the motion to dismiss by filing a memorandum contra within 15 days, as required by Ohio Adm.Code 4101-1-12(B)(1). In addition, the attorney examiner notes that pursuant to Ohio Adm.Code 4901-9-01(F), Duke has indicated that the complaint has been satisfied; under this rule, Complainant has 20 days to respond to Duke's assertions, and if no response is filed, the Commission may presume that satisfaction has occurred. To date, Complainant has not responded to Duke's assertions. Therefore, the attorney examiner finds it reasonable to cancel the settlement conference scheduled for June 19, 2014.

It is, therefore,

ORDERED, That the June 19, 2014 settlement conference is cancelled. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

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By: Kerry K. Sheets  
Attorney Examiner

jrj/vrm

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**Commission of Ohio Docketing Information System on**

**6/11/2014 4:20:31 PM**

**in**

**Case No(s). 14-0744-EL-CSS**

Summary: Attorney Examiner Entry cancelling the June 19, 2014 settlement conference; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio