

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Marilyn Rhodes,)	
Complainant,)	
v.)	Case No. 14-834-GA-CSS
Duke Energy Ohio, Inc.,)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On May 6, 2014, Marilyn Rhodes (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke), that alleges Duke transferred a balance of \$791.26 for service at her ex-husband's residence to her account and that she is not responsible for this charge. The Complainant also asserts that there have been instances involving fraud and her credit history and mail diversion that impact this complaint.
- (2) On May 23, 2014, Duke filed an answer and a motion to dismiss the complaint.
- (3) By Entry issued July 8, 2014, the attorney examiner determined that, based on the pleadings, the only amount in dispute is a total of \$1,001.26, which is based on the initial disputed amount of \$791.26, identified in the complaint, and the subsequent disputed amount of \$210.00, identified in the two pages attached to Duke's June 26, 2014 motion to dismiss. Therefore, the undisputed amount is \$2,061.94, which is the difference between the total amount identified by Duke of \$3,063.20 and the identified disputed amount of \$1,001.26.
- (4) A settlement conference was held on September 19, 2014; however, the parties were unable to resolve this matter.

- (5) Accordingly, a hearing should be scheduled. The hearing will be limited to only the identified disputed amount of \$1,001.26. The hearing should be held on December 9, 2014, at 10:00 a.m., in Hearing Room 11-C, in the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215.
- (6) 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 (1996).
- (7) Any party intending to present direct expert testimony should file such testimony and serve a copy of such testimony on all other parties in accordance with Ohio Adm.Code 4901-1-29.

It is, therefore,

ORDERED, That the hearing be held on December 9, 2014, at 10:00 a.m., in Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That any party intending to present direct expert testimony file such testimony and serve a copy of such testimony on all other parties in accordance with finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Scott E. Farkas

By: Scott E. Farkas
Attorney Examiner

JRJ/dah

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in

Case No(s). 14-0834-GA-CSS

Summary: Attorney Examiner Entry that the hearing be held on December 9, 2014, at 10:00 a. m.; electronically filed by Debra Hight on behalf of Scott E. Farkas, Attorney Examiner.