

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
James M. Lehmkuhl,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-1067-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On June 5, 2015, James M. Lehmkuhl filed a complaint against Duke Energy Ohio, Inc. (Duke). Mr. Lehmkuhl alleges that Duke improperly billed him for electric service. Additionally, Mr. Lehmkuhl asserts that the name of his electric supplier is not displayed on his electric bill.
- (2) On June 25, 2015, Duke filed its answer to the complaint. Duke asserts that it lacks knowledge or information to admit or deny Mr. Lehmkuhl's allegations and, therefore, denies that it improperly billed him for electric service. However, Duke admits that Mr. Lehmkuhl was enrolled with Choice Energy as his electric supplier, then switched to Verde Energy, and then cancelled his enrollment with Verde Energy and was returned to Duke. Duke raises as affirmative defenses that the complaint fails to state a claim upon which relief may be granted, the complaint fails to set forth reasonable grounds for complaint, and that at all times Duke complied with all riders, rules, regulations, and statutes requiring it to provide reasonable and adequate service.
- (3) At this time, the attorney examiner finds that a settlement conference should be scheduled in this matter to discuss settlement of the issues. The settlement conference in this matter is scheduled for August 3, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor,

Conference Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.

- (4) 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 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. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be scheduled for August 3, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney  
Attorney Examiner

JRJ/sc

**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). 15-1067-EL-CSS**

Summary: Attorney Examiner Entry scheduling a settlement conference for 08/03/2015 at 10:00 a.m. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio