

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Jimmie	)	
Steagall,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-837-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 27, 2015, Jimmie Steagall (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke or Respondent). The Complainant states that he is an electrical contractor who completed electrical service installation at a specified service address which he does not own (and at which a vacant house exists) and, then, upon completing the installation, requested cancellation of service there. Complainant alleges, among other things, that Duke "fails to acknowledge his request to cancel service" at the involved service address, and wants "me to pay for service that I did not use." Complainant further alleges that Duke is "trying to turn off" electrical service at his personal home, based on his failure to pay for the service that has continued at the address of the vacant home, because of Duke's mistake in failing to acknowledge his request to cancel service there. Complainant asserts that he is willing to pay for two weeks of service on the account where the vacant home exists, but that all other charges that have accrued on that account, for a period of more than a year, should be credited. Additionally, the complaint contains allegations regarding the installation, and subsequent turn off, of gas service, by Duke, at the property in question.
- (2) On May 15, 2015, Respondent filed its answer to the complaint. Among other things, Duke denies that Complainant ever cancelled or requested cancellation of service at the account in question. Duke asserts that Complainant called Duke during May 2013 to establish service in his name on the account in question and did not advise Duke that he only wanted service

for two weeks or some other temporary or limited time frame. Duke denies, for lack of knowledge or information, all allegations of the complaint relating to the physical condition and occupancy of the property in question and relating to the installation of electric service and gas lines there. Further answering, upon information and belief, Duke states that Complainant's brother, Kenneth Steagall, lived at the property during some or all of the period in question. Duke denies that Complainant requested that Duke disconnect gas service to the property in question. Duke states that it has a recorded telephone call from Complainant on January 29, 2014, during which Complainant acknowledged that the electric service already was active at the property and requested that Duke turn off the gas service there. Further answering, Duke denies that it made any mistakes regarding the activation or disconnection of the electric or gas service at the property in question with respect to Complainant's account. Duke admits that, in accordance with its tariffs on file with the Commission and other applicable regulation, Duke transferred Complainant's unpaid balance of \$1,510.81 on the account in question, to another account in the Complainant's name, at another address, specified in the answer.

As part of its answer, Duke asserts several affirmative defenses including: (a) that the complaint fails to set forth reasonable grounds for complaint and has not stated any damages or request for relief; (b) that the complaint fails to state a claim against Duke upon which relief may be granted; (c) that Duke has, at all times relevant to the complaint, complied with the Revised Code, the rules, regulations, and all orders of the Commission, and its tariffs on file at the Commission; and (d) that Complainant requested, received, and enjoyed the benefit of the gas and electricity provided by Duke and, therefore, should pay Duke for such services.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement 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

either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for August 11, 2015, at 11:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) 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 requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) 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 held on August 11, 2015, at 11:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/dah

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

**Commission of Ohio Docketing Information System on**

**7/1/2015 3:45:10 PM**

**in**

**Case No(s). 15-0837-EL-CSS**

Summary: Attorney Examiner Entry that a settlement conference be held on August 11, 2015, at 11:00 a.m. in Conference Room 1246 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215; electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.