

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
RICARDO GARNELL LEE,**

**COMPLAINANT,**

**v.**

**CASE NO. 18-445-EL-CSS**

**DUKE ENERGY OHIO INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on August 14, 2018

{¶ 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} Respondent, 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 March 14, 2018, Ricardo Garnell Lee (Complainant) filed a complaint against Duke. Among other things, Complainant alleges that Duke has improperly billed him over many years. Further, Complainant claims to have initiated service with Duke as far back as 2004, but submits that Duke refuses to provide him with account information that dates back more than two or three years ago. Complainant asserts that, as a result, because of accumulated arrearages and default amounts, which he disputes, on various Duke electric service accounts that he has held over time, he is now unfairly being denied participation in the PIPP Plus program.

{¶ 4} On March 22, 2018, Duke filed a motion seeking a 12-day extension, until April 16, 2018, to file its answer in this proceeding. On March 30, 2018, Complainant filed a response indicating Complainant's agreement to allow the time extension requested. Duke

filed its answer on April 16, 2018. The attorney examiner finds that Duke's answer shall be accepted as timely filed.

{¶ 5} Duke's answer contains a narrative history, different from that set forth in the complaint, of Complainant's service accounts with Respondent. Moreover, in its answer, Duke generally denies the allegations set out in the complaint and specifically denies, among other things, all allegations: (a) pertaining to illegal, fraudulent, or unfair billing; (b) that it has discriminated against Complainant; (c) that it has provided inadequate service to the Complainant; (d) that it has failed to provide service to Complainant; (e) that it has violated its PIPP program duties; and (f) that it has otherwise committed any unlawful act while providing service to Complainant. Beyond this, Duke, denies or claims to be without sufficient knowledge to ascertain the veracity of the complaint's remaining allegations, and asserts several affirmative defenses.

{¶ 6} 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 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for September 4, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. 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. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for September 4, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

**8/14/2018 2:07:22 PM**

**in**

**Case No(s). 18-0445-EL-CSS**

Summary: Attorney Examiner Entry scheduling settlement conference for 09/04/2018 in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio