

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CITY OF CARLISLE, ET AL.,**

COMPLAINANTS,

v.

CASE No. 18-780-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on September 18, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} 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.

{¶ 3} On April 30, 2018, the city of Carlisle, the village of Fairfax, Amberley Village, and Digicom Systems, LLC (Complainants) filed a complaint against Duke alleging that Duke has violated its electric tariffs. Specifically, Complainant claims that Duke has wrongfully applied electric service tariffs resulting in excessive charges for the service being rendered.

{¶ 4} On May 21, 2018, Duke filed its answer to the complaint, denying many of the allegations contained therein. Additionally, Duke raises several affirmative defenses, including, but not limited to, the following: Complainants fail to set forth reasonable grounds for complaint; the entity that filed the complaint has no apparent relationship

with the named Complainants; the individual who signed the Complaint is not an attorney in the state of Ohio; complaint was filed in direct violation of Ohio Administrative Code 4901-1-08; Complainants' claims are time-barred; Complainants' claims are barred by waiver and collateral estoppel; Complainants have failed to mitigate damages; and Duke has, at all times relevant to Complainants' claims, provided reasonable and adequate service in accordance with all applicable rules, regulations, and orders of the Commission, and its tariffs.

{¶ 5} On August 28, 2018, the attorney examiner scheduled a settlement conference date of October 25, 2018.

{¶ 6} On September 17, 2018, Complainants notified the attorney examiner, by phone call, of a scheduling conflict and asked the settlement conference be rescheduled. According to Complainants, Duke does not oppose a continuance of the settlement conference date.

{¶ 7} The attorney examiner finds that good cause exists to grant Complainants' request to continue the hearing. Accordingly, a settlement conference shall be scheduled for November 13, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215. 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. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a settlement conference be scheduled, in accordance with Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

JRJ/sc

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Case No(s). 18-0780-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 11/13/2018 in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio