

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CLARA DELORIS CARTER,**

COMPLAINANT,

v.

CASE NO. 18-1584-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on November 6, 2019

I. SUMMARY

{¶ 1} The Commission dismisses this complaint, with prejudice, as the underlying issues have been resolved.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company 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} Duke Energy Ohio, Inc. (Duke or Respondent) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On October 19, 2018, Clara Deloris Carter (Ms. Carter or Complainant) filed a complaint against Duke, alleging that she was informed by Respondent that she had not paid her energy bill since September 2017. However, Complainant stated that she had been timely with all of her payments and contacted Duke to attempt to resolve the discrepancies to no avail.

{¶ 5} On November 7, 2018, Duke filed its answer. Duke generally denies the allegations and conclusion of law set out in the complaint, and puts forth several affirmative defenses.

{¶ 6} A settlement conference was held, as scheduled, on December 4, 2018.

{¶ 7} On September 17, 2019, Duke filed a letter notifying the Commission that, following the settlement conference, Duke and the Complainant reached an agreement regarding Ms. Carter's electric account. Duke further stated that it believes the matter has been resolved to the Complainant's satisfaction.

{¶ 8} By Entry issued September 18, 2019, the attorney examiner explained that the letter would be construed as a motion to dismiss this complaint under the authority of Ohio Adm.Code 4901-9-01(F), and provided Complainant 20 days to file a response indicating whether she agreed with Duke's assertions and whether she wanted to pursue the complaint. If no response was filed within the prescribed timeframe, the attorney examiner noted that the case would be recommended for dismissal.

{¶ 9} To date, Ms. Carter has not filed a response to Duke's September 17, 2019 letter.

{¶ 10} Ohio Adm.Code 4901-9-01(F) provides that if no response is filed within the prescribed period of time, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 11} Given the fact Ms. Carter has elected not to file a response indicating she wishes to proceed with this matter, the Commission finds that this matter has been resolved to Ms. Carter's satisfaction and that this case should be dismissed. Accordingly, this case should be dismissed, with prejudice, and closed of record.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That this case be dismissed and closed of record. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MJA/kck

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Case No(s). 18-1584-EL-CSS

Summary: Entry that the Commission dismisses this complaint, with prejudice, as the underlying issues have been resolved. electronically filed by Docketing Staff on behalf of Docketing.