

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
KENT BRYSON,

CASE NO. 20-1751-GA-CSS

COMPLAINANT,

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on December 29, 2020

{¶ 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} Duke Energy Ohio, Inc. (Duke, Company, or Respondent) is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On December 1, 2020, Kent Bryson (Mr. Bryson or Complainant) filed a complaint against Duke in which he argues that Respondent should be precluded from charging Complainant for gas service at a rental property that he owns in Cincinnati, which Mr. Bryson claims has been vacant since October 2013. Complainant alleges that, ever since he relocated to Louisville, Kentucky in July 2013, he never received any bills, although, he claims, the meter at the involved rental property was read every month. Complainant questions why, if there was service usage, and if the meter was read every month from October 2013 to June 2018, he was not sent a bill. Complainant indicates that, in November 2018, he contacted Respondent and gave Duke approval to put the bill for the rental property in the name of Tyrone Hawkins, who was rehabbing the property. According to the complaint, in June of 2020, Mr. Hawkins advised Complainant that a bill in

Complainant's name, for approximately \$6,000, was mailed to the address of the rental property. In response, Complainant contacted Duke about the bill and was told that Mr. Hawkins had agreed to pay \$1,600 to cover the period between November 2018 and June 2020. Complainant avers that he heard no more from Duke, and thought the situation was resolved. However, the complaint additionally indicates that Mr. Hawkins informed Mr. Bryson that another bill in Complainant's name was sent to the address of the rental property, to cover charges from June 2015 to November 2018. Reiterating his allegation that the house at the rental property has been vacant since 2013, Complainant reasons that the Company's failure to discontinue service for nonpayment is evidence that there was not any service usage at the property. In closing, Mr. Bryson requests that, in order to resolve this case, he should not be required make any payment, given the agreement reached between Mr. Hawkins and the Company.

{¶ 4} On December 21, 2020, Duke filed its answer, in which it generally denies all of the complaint's allegations, asserts its own allegations of fact, and sets forth several affirmative defenses. Among other things, in its answer, Duke denies that the property has been vacant since 2013. Duke alleges that a customer, whom it refers to as Customer A, received gas and electric service at the property between October 2013 until approximately June 2015. Also, Duke claims that, on February 3, 2020, a Company technician discovered that the meter base at the property was uncovered, the meter was on the ground, and jumpers had been placed in the meter base. Further answering, Duke states that it determined there had been unauthorized usage and that the Company, subsequently, on February 24, 2020, and again on March 2, 2020, mailed to the property a bill for unauthorized usage dating from June 2, 2015, to February 3, 2020, totaling \$5,7768.91. Answering further, the Company states that another individual (whom Duke refers to as Person B), who has communicated to the Company that he has been on the property since November 2018, called the Company and agreed to be responsible for usage dating from November 9, 2018, to February 3, 2020, totaling \$1,604.63. The Company then reduced the balance belonging to the Complainant accordingly, to \$4,144.64 for unauthorized usage from June 2, 2015, to

November 9, 2018. Duke denies Complainant's allegation that the meter was read every month. Answering further, the Company states that it was not receiving any indication that usage was occurring at the property between June 2, 2015, and February 3, 2020, until the technician discovered that the meter appeared to have been tampered with.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. 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 teleconference.

{¶ 6} Accordingly, a telephone settlement conference shall be scheduled for January 19, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 301 771 415#.

{¶ 7} 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 teleconference, and all parties participating in the teleconference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement teleconference be scheduled for January 19, 2021, at 10:00 a.m., as indicated in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

GAP/kck

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 20-1751-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference be for 1.19.21 at 10:00 a.m. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio