

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
JOSEPH LENTINE,**

COMPLAINANT,

CASE NO. 20-1561-GE-CSS

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on January 13, 2021

I. SUMMARY

{¶ 1} The Commission grants the joint motion to dismiss the complaint with prejudice, as all issues in the complaint 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 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) is an electric light company and 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.

{¶ 4} On October 6, 2020, Joseph Lentine (Complainant) filed a complaint against Duke, alleging that he paid “tamper charges” and \$2,000 in other charges to Duke in full, after which his service was restored. Complainant contends that, approximately two months after restoration of service, Duke transferred to his account other charges, including charges from a business. Complainant asserts that he has not been provided copies of bills or other information to dispute the charges.

{¶ 5} On November 13, 2020, Duke filed its answer and a motion for leave to file the answer, *instanter*. In the motion for leave, Duke states that, because of inadvertent error, it did not respond within 20 days after service of the complaint, as required by Ohio Adm.Code 4901-9-01(B).

{¶ 6} In its answer, Duke denies Complainant's allegations regarding payment of "tamper charges" and \$2,000 in other charges, but admits that Complainant made several payments on the account at issue during July 2020 through October 2020. Duke further admits that Complainant's service was reconnected on or about June 26, 2020, and that it transferred three account balances to the residential account at Complainant's address. The transfers were, specifically, the balance of Computer Science Corporation, which had a residential account at Complainant's address; the balance of a revenue recovery account for unauthorized usage from approximately February 13, 2019, to September 19, 2019, at Complainant's address; and the balance of a second revenue recovery account for unauthorized usage during several months in 2020 at Complainant's address. Duke states that Complainant has spoken with a Duke representative at least once about the charges associated with tampering, and further emphasizes that Duke contacted the property owner at Complainant's address to confirm that Complainant has leased this property since December 2018. Duke denies any other allegations made by Complainant.

{¶ 7} On November 19, 2020, the attorney examiner granted Duke's motion for leave to file the answer, *instanter*, and scheduled a December 3, 2020 settlement conference. The parties participated in the settlement conference and continued discussions in subsequent weeks.

{¶ 8} On December 16, 2020, a joint motion to dismiss with prejudice was filed by the parties. The joint motion states that the parties have settled this matter and that all issues raised in the complaint have been resolved.

{¶ 9} The Commission finds reasonable the joint motion to dismiss the complaint with prejudice. The joint motion should, therefore, be granted.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the joint motion to dismiss the complaint with prejudice be granted. It is, further,

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

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JML/hac

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Case No(s). 20-1561-GE-CSS

Summary: Entry granting the joint motion to dismiss the complaint with prejudice, as all issues in the complaint have been resolved electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio