

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
GARY LOGAN,**

COMPLAINANT,

CASE NO. 21-178-EL-CSS

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on June 2, 2021

I. SUMMARY

{¶ 1} The Commission grants the request of Gary Logan to dismiss the complaint without prejudice.

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 or the Company) is a public utility as defined in R.C. 4905.02. Accordingly, Duke is subject to the Commission's jurisdiction.

{¶ 4} On February 23, 2021, Gary Logan (Complainant) initiated a complaint against Duke alleging, essentially, that Duke incorrectly billed him for services under an automatic landlord agreement which he had previously requested to be cancelled.

{¶ 5} Duke filed its answer to the complaint on March 15, 2021. In its answer, Duke admitted some allegations in the complaint, denied or stated that it is without sufficient

information to form a belief as to the truth of other allegations, and asserted a number of affirmative defenses.

{¶ 6} On April 26, 2021, Complainant filed a request to withdraw the complaint. In this correspondence, Complainant stated that he had subsequently paid the disputed bill, as he felt he “had no choice” but to pay the bill in order to avoid Duke shutting off power while the case proceeded. Complainant therefore requested that the complaint be withdrawn. An attorney examiner in the Commission’s legal department reached out to Complainant to explain that, pursuant to Ohio Adm.Code 4901-9-01(E), he may request that Duke be prevented from terminating service during the pendency of the complaint. At that time, Complainant reiterated that he wished to have the complaint dismissed and the matter closed.

{¶ 7} To date, Duke has not filed a response to Complainant’s request to dismiss.

{¶ 8} Based upon Complainant’s April 26, 2021 request to dismiss the complaint, and his subsequent confirmation that he desired to have the matter closed, the Commission finds that the Complainant’s request is reasonable and should be granted. The complaint in this case should, therefore, be dismissed without prejudice and the case closed of record. In the event that Complainant elects to pursue these claims at a later date, he will have an opportunity to do so by filing a new formal complaint case with the Commission.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the complaint be dismissed without prejudice, as requested by Complainant. It is, further,

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

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DMH/kck

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Case No(s). 21-0178-EL-CSS

Summary: Entry granting the request of Gary Logan to dismiss the complaint without prejudice electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio