

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
DAVID RENTALS LLC,**

**CASE NO. 21-556-GA-CSS**

**COMPLAINANT,**

**v.**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on June 24, 2021

{¶ 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) 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 May 7, 2021, Jonathan Roth (Mr. Roth),<sup>1</sup> on behalf of David Rentals, LLC (Complainant), filed a complaint against Duke. Among other things, the complaint avers that Mr. Roth hired a plumber to replace inside gas lines at rental properties managed by Complainant, which the complaint identifies as 509 Carplin, and 806-810 Poplar. In this regard, the complaint explains that the 509 Carplin property has been undergoing remodeling since early 2020. The complaint adds that gas service was requested in approximately April of 2020, but that Duke did not provide it until approximately December of 2020. According to the complaint, Duke attempted to turn the gas on two times, but discovered there was no service line from the street, installed the service line, and, seven

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<sup>1</sup> Mr. Roth's signature on the complaint identifies him as President, David Rentals, LLC.

months later, hooked up the service line, and turned on the gas. Further explaining, the complaint states that the plumber hired by Complainant installed a gas meter from Poplar at Carplin by mistake. In this regard, the complaint alleges that, after multiple trips in which Duke had multiple opportunities to match the meter number against its records but apparently did not, Duke uninstalled a meter which, according to the complaint, Duke alleged was tampered with. The complaint indicates that it was only after a complaint was made to the Commission against Duke for failing to provide gas service in a reasonable time frame, that Duke, allegedly in order to “punish” Complainant for bringing such a complaint before the Commission, allegedly added a tampering charge to Complainant’s account. Among other things, Complainant, which claims to have paid the usage charges on the account, seeks removal of the alleged tampering charge.

{¶ 4} On May 27, 2021, Duke filed its answer, in which it denies practically all of the complaint’s allegations, asserts Duke’s own allegations of fact, and sets forth several affirmative defenses. Among other things, in its answer, Duke states that gas service at 509 Carplin Place was abandoned as of October 22, 2020. Continuing, Duke states that Mr. Roth first requested gas service at 509 Carplin Place on November 25, 2020. According to Duke, a service technician visited 509 Carplin Place on November 30, 2020, to turn on gas service and found that no gas was coming to the meters. Duke posits that the service line at 509 Carplin Place was connected on December 1, 2020. Answering further, Duke alleges that a service technician visited 509 Carplin Place on January 14, 2021, to turn on gas service to the first and second floors and found that the gas service was already active with incorrect gas meters installed (i.e., the technician discovered there two gas meters that should have been located at 806 Poplar and 810 Poplar). According to Duke’s answer, active gas service was restored at 509 Carplin Place on January 14, 2021. Regarding gas service at the Poplar properties, Duke answers that it first received a request from Mr. Roth for gas service at 806, 808, and 810 Poplar on December 14, 2020, and that gas service was connected to these three properties as of January 19, 2021. Duke denies that it has billed any charges “to punish” Complainant for any current or previous complaints brought before the Commission. Duke

acknowledges that the two accounts located on the first and second floor of 509 Carplin Place were billed, respectively, for amounts which included both usage charges and other fees. Nowhere in its answer does Duke identify any charge or fee as a tampering charge. Within its answer, Duke identifies the balance remaining on the two accounts, as of the date of the filing of Duke's answer.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement teleconference. The purpose of the settlement teleconference 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 settlement teleconference shall be scheduled for July 19, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 257 998 902#.

{¶ 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 July 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

SJP/mef

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 21-0556-GA-CSS**

Summary: Attorney Examiner Entry scheduling a settlement teleconference for July 19, 2021, at 10:00 a.m. electronically filed by Ms. Mary E Fischer on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio