

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
PHILIP MINK,**

CASE NO. 21-854-EL-CSS

COMPLAINANT,

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on August 12, 2021

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider a written complaint filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice affecting or relating to any service furnished by that public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Respondent, Duke Energy Ohio, Inc. (Duke or Respondent), is an electric light company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. As such, Duke is subject to the Commission's jurisdiction.

{¶ 3} On August 10, 2021, Philip Mink (Complainant) filed a complaint against Duke, alleging, among other things, that Respondent has billed him incorrectly for electric service.

{¶ 4} Duke's answer to the complaint is not yet due and has not yet been filed. In accordance with Ohio Adm.Code 4901-9-01, Duke is directed to file an answer to the complaint with the Commission, and to serve a copy of its answer upon the Complainant, within 20 days of August 10, 2021.

{¶ 5} Complainant is concerned that Duke might disconnect his utility service based on the billing dispute at issue in this case. On August 10, 2021, as part of his complaint, Complainant included a request, made pursuant to Ohio Adm.Code 4901-9-01(E), that the

Commission provide assistance to prevent service termination during the pendency of the complaint.

{¶ 6} Ohio Adm.Code 4901-9-01(E) provides that, if a person filing a complaint against a public utility is facing termination of service by the public utility, the person may request that the Commission prevent the termination of service during the pendency of the complaint. It also provides that a person making a request for assistance must agree to pay during the pendency of the complaint all amounts to the utility that are not in dispute.

{¶ 7} Upon review of the complaint, there appears to be a genuine billing dispute between the parties regarding which electric service charges, outstanding as identified in the complaint, are appropriate and need to be paid. Therefore, the attorney examiner finds that it is not appropriate for Duke to disconnect the utility service of Complainant during the pendency of this case, unless or until it is otherwise ordered by the Commission or the attorney examiner. However, nothing in this Entry excuses Complainant from making payments of all amounts not in dispute and Complainant is directed to timely pay all billings that he does not dispute, consistent with Ohio Adm.Code 4901-9-01(E).

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That, unless otherwise ordered, Duke not disconnect the utility service of Complainant during the pendency of this case and that Complainant timely pay all billings that he does not dispute. It is, further,

{¶ 10} 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/kck

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in

Case No(s). 21-0854-EL-CSS

Summary: Attorney Examiner Entry ordering that, unless otherwise ordered, Duke not disconnect the utility service of Complainant during the pendency of this case and that Complainant timely pay all billings that he does not dispute. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio