

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 September 20, 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} Respondent, Duke Energy Ohio, Inc. (Duke or the Company), 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 jurisdiction of this Commission.

{¶ 3} On August 10, 2021, Philip Mink (Complainant), filed a complaint against Duke, alleging, among other things, that Respondent is currently billing him incorrectly for his electric service account with Duke (at a particular address and account number identified in the complaint) and, also, has threatened him with service disconnection if he fails to pay, in a timely manner, an amount in excess of that due under a PIPP agreement that Complainant contends should apply. Further, the complaint alleges that, in August 2019, Duke, through one of its contractors, without permission, entered the outside of Complainant's property to put in a new gas line and to move a gas line valve -- and in the process dug up Complainant's driveway -- at an address where gas service has been shut off, at Complainant's request, since 2006. Further, according to the complaint, on November 3, 2020, "Duke came back and wanted to remove the meter and cap the service claiming it was an abandoned gas line." In closing, Complainant adds that Duke has refused his

requests to have Respondent remove its underground line and to fix his driveway to its preexisting condition.

{¶ 4} On August 25, 2021, Duke filed its answer, in which it admits some, and denies others, of the complaint's allegations, and sets forth several affirmative defenses. Among other things, in its answer, Duke admits that Complainant's current monthly payment under PIPP Plus as of August 2021 is \$48.00. Duke admits Complainant's monthly statement due August 19, 2021 correctly identifies a balance due of \$192 by August 19, 2021 and a payment of \$115 due by August 12, 2021 to avoid disconnection for nonpayment, as authorized by the Company's filed tariffs approved by the Commission. Further answering, Duke states that, since Complainant was reverified in the PIPP Plus program, a payment from a Summer Cooling Voucher applied to Complainant's account has brought his account current.

Addressing the remaining allegations of the complaint, Duke denies that, as of August 2019 or on November 3, 2020, Complainant was the Company's customer of record at the address and on the account named in the complaint. Instead, says Duke in its answer, Complainant did not, until November 18, 2020, become the Company's customer of record on the account and at the address named in the complaint. Duke admits that, during 2019 and after prior notice to Complainant or the Company's customer of record, the Company replaced the older metallic gas service line to the service address identified in the complaint with a plastic service line in accordance with its Accelerated Service Line Replacement Program (ASRP) filed with the Commission. Duke asserts in its answer that, after replacing the gas line, it restored the ground and driveway at the property. Moreover, in its answer, Duke denies the allegations regarding the "abandoned gas line" and states that, at the request and direction of the Company's customer of record, on October 21, 2020, Duke disconnected gas service at the service address identified in the complaint and removed its meter there.

{¶ 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 call shall be scheduled for October 5, 2021, at 10:00 a.m. To participate in the teleconference, the parties shall dial (614) 721-2972 and conference code 729 789 441#.

{¶ 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 October 5, 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

JRJ/kck

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in

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

Summary: Attorney Examiner Entry scheduling a settlement teleconference call shall for October 5, 2021, at 10:00 a.m. electronically filed by Kelli C. King on behalf of Daniel E. Fullin, Attorney Examiner, Public Utilities Commission of Ohio