

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LAWRENCE K. McMONIGLE,**

COMPLAINANT,

CASE NO. 21-808-EL-CSS

v.

DUKE ENERGY OF OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on September 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 of Ohio, Inc., (Duke) is a public utility as defined in R.C. 4905.02. Accordingly, Duke is subject to the Commission's jurisdiction.

{¶ 3} On July 19, 2021, Lawrence K. McMonigle (Complainant) filed a complaint against Duke alleging unfair billing practices concerning differences in the total costs of his electric service for recent billing cycles, specifically the rider amounts.

{¶ 4} On August 9, 2021, Duke filed its answer, in which it admits to some allegations in the complaint, denies some allegations, and asserts several affirmative defenses.

{¶ 5} On September 22, 2021, the attorney examiner issued an entry scheduling a settlement conference for October 28, 2021, at 10:00 a.m.

{¶ 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} Complainant is concerned that Duke might disconnect his utility service based on the dispute at issue in this case. Complainant alleges in the complaint that he is being overcharged for his electric service and disputes the amount owed on the bills for the periods named in the complaint. Complainant alleges that on September 23, 2021, Duke informed him that his service will be disconnected on September 25, 2021.

{¶ 8} Based on the information in the complaint and Complainant's September 9, 2021 letter, filed in the docket on September 16, 2021, the attorney examiner finds that the Complainant has provided a sufficient basis for his request for assistance. Accordingly, under the circumstances presented in this case, the attorney examiner finds it appropriate to prohibit Duke from terminating service to Complainant during the pendency of this matter or until the Commission orders otherwise. The attorney examiner notes that the Complainant is still required to pay all amounts to the utility that are not in dispute.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Duke not disconnect the utility service of the complainant during the pendency of this case and that Complainant timely pay all billings that he does not dispute. 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/ Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

MJA/mef

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in

Case No(s). 21-0808-EL-CSS

Summary: Attorney Examiner Entry requiring Duke Energy of Ohio to not disconnect the utility service of the complainant during the pendency of this case; and for Complainant to timely pay all billings that he does not dispute. electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio