

THE PUBLIC UTILITIES COMMISSION OF OHIO

DREWFAB,

COMPLAINANT,

v.

CASE NO. 21-821-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on October 1, 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} The Duke Energy Ohio, Inc. (Duke or Respondent) is a public utility as defined in R.C. 4905.02. As such, Duke is subject to the Commission's jurisdiction.

{¶ 3} On July 26, 2021, Drewfab (Drewfab or Complainant) filed a complaint against Duke regarding service at 320 South State Street in Harrison, Ohio. With several paragraphs containing underlying factual allegations, Complainant generally claims that Duke failed to complete the scope of work for billed services in relation to his requested installation of 480 volt 3-phase service; failed to provide accurate monthly billing for energy services provided; and threatened to disconnect utility service for non-payment after agreeing to hold any disconnection until billing issues were resolved. For relief, Complaint requests that any threatened disconnection of gas or electric service be stayed pending resolution of the complaint. Complaint additionally asks that Duke be directed to provide accurate billing statements from January 1, 2020 forward; an itemized invoice for contract work completed during the summer months of 2020; restitution of payment for services not completed; damages; and accrued legal fees.

{¶ 4} On August 16, 2021, Duke filed its answer. Though admitting some basic allegations from the complaint, Respondent generally denies any wrongdoing. Respondent's answer also asserts numerous affirmative defenses, including failure to set forth reasonable grounds for complaint; failure to state a claim upon which relief can be granted; the Commission's lack of jurisdiction to award monetary damages or injunctive relief; the absence of legal counsel to represent Complainant as a corporate entity; and general compliance with all applicable statutes and Administrative Code provisions in furnishing service to Complainant.

{¶ 5} Consistent with the Commission's policy to encourage settlement discussions in complaint proceedings, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of the complaint. As described in Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a telephone settlement conference shall be scheduled for November 16, 2021, at 10:00 a.m. ET. At the designated time of the conference, the parties shall dial 614-721-2972 and enter access code 386 338 663# to join the mediation. If it becomes apparent that settlement is unlikely to be reached at the conference, the parties should be prepared to discuss procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 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 conference. All parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite 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. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a telephonic settlement conference be held on November 16, 2021, at 10:00 a.m., as stated 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/Patricia A. Schabo

By: Patricia A. Schabo
Attorney Examiner

MJA/hac

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 21-0821-EL-CSS

Summary: Attorney Examiner Entry ordering that a telephonic settlement conference be held on November 16, 2021, at 10:00 a.m., as stated in Paragraph 6 electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission