

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
EDWARD JACKSON,

COMPLAINANT,

CASE NO. 22-182-EL-CSS

v.

DUKE ENERGY OHIO, INC,

RESPONDENT.

ENTRY

Entered in the Journal on April 25, 2022

{¶ 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. Additionally, pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

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

{¶ 3} On March 11, 2022, Edward Jackson (Complainant) initiated a complaint against Respondent alleging that he was over-billed. Complainant states that for a property he purchased as a vacant and empty building in October 2018, he obtained a permit for temporary electricity and rough-in occurred from 2019-2020. The Complainant states that from the start of his renovations to occupancy of the property, he received and paid bills for each month. Complainant states that Duke sent a representative to install permanent electric meters, at which point the representative found the temporary meters were disconnected, which Complainant alleges that the electrician he hired had disconnected those meters. After Duke installed permanent meters, Complainant states that he was issued an invoice for \$5,000 for utility theft. Complainant alleges that during the renovation

period, he paid approximately \$4,900 in charges without gas service at all. Complainant requests that the Commission review the billings as he believes the charges are incorrect.

{¶ 4} Duke filed its answer on March 31, 2022. In its answer, Duke alleges that at some time in 2020, it did send a contractor to Complainant's property to replace the electric meters, and at that time, the contractor discovered that Complainant was obtaining electrical service by tampering with the metering services at the property. Duke alleges that Complainant had run a wire to the weather head and brought that wire inside the basement of the property, which bypassed the meters and allowed for unmetered service. Duke also alleges in its answer that it sent Complainant a bill for \$5,202.63 after it discovered the alleged tampering. Finally, Duke admits some allegations in the complaint. Duke states that it denies or is without sufficient knowledge to ascertain the veracity of some of the allegations in the complaint and sets forth in the answer several affirmative defenses.

{¶ 5} At this time, 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 this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for May 17, 2022, at 10:00 a.m. The settlement conference shall be held telephonically. To participate in the settlement conference, the parties shall call 614-721-2972 and enter 676-260-573 #, when prompted.

{¶ 7} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 8} 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, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 9} As is the case in all Commission complaint cases, 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be held on May 17, 2022, in accordance with Paragraph 6. It is, further,

{¶ 12} 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

JRJ/mef

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

4/25/2022 12:59:13 PM

in

Case No(s). 22-0182-EL-CSS

Summary: Attorney Examiner Entry scheduling a prehearing conference for May 17, 2022, at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio