

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CLAIRDY WALKER,

COMPLAINANT,

v.

CASE NO. 22-565-EL-CSS

DUKE ENERGY OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on July 12, 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.

{¶ 2} Duke Energy Ohio, Inc. (Duke) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On June 2, 2022, Clairdy Walker (Mr. Walker or Complainant) filed a complaint against Duke, asserting that Duke incorrectly believes that Complainant paid just \$3.00 for a bill in 2021. Complainant contends that he has never missed a payment or made a partial payment on a bill, and that after paying a bill electronically, he waits for the confirmation numbers indicating that payment was done correctly. Complainant adds that he has attempted to resolve the matter with Duke, but Duke had not corrected the mistake.

{¶ 4} Duke filed its answer on June 22, 2022. Duke admits that Complainant is a current customer and that he submitted monthly on-time payments in full during 2021, except for the bill paid on July 2, 2021, for which Complainant paid only \$3.00 toward a \$283.00 bill. Duke denies that Complainant has attempted to resolve the dispute; rather,

contends Duke, it has been unable to contact Mr. Walker despite its attempts from September 2021 to November 2021. Duke adds that it has requested more information from Complainant demonstrating that more than \$3.00 was withdrawn from his bank account to pay the July 2, 2021 bill. Duke asserts that there are discrepancies between its records and what Complainant contends was paid in January 2021 and during June 2021 through August 2021. Duke denies any only other allegations of Complainant.

{¶ 5} 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 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 conference.

{¶ 6} The settlement conference shall be scheduled for July 25, 2022, at 10:00 a.m. at the Commission offices, Room 11-D, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. The parties should bring all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, 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, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the 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 conference be scheduled for July 25, 2022, 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

GAP/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0565-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference shall be scheduled for July 25, 2022, at 10:00 a.m. at the Commission offices, Room 11-D, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission