

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DERRYN JONES,

COMPLAINANT,

v.

NORTH AMERICAN POWER COMPANY

CASE NO. 22-778-EL-CSS

AND

DUKE ENERGY OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on October 13, 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) and North American Power and Gas, LLC (North American Power) are public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} On June 2, 2022, Derryn Jones (Ms. Jones or Complainant) filed a complaint against North American Power and Duke concerning her bill. Ms. Jones explains that, when she contacted Duke on April 6, 2022, she was informed that North American Power was the supplier of her electricity; Complainant asserts that she had been unaware of this. Complainant contends that she never authorized North American Power to be her supplier of electricity and she disputes North American Power's explanation that her husband enrolled with the company via its website. Complainant adds that on April 11, 2022, she received a letter from North American Power indicating that its service to her address began

in July 2012; upon learning this, she contacted the company and was further told that that the account had been changed to her name. Ms. Jones states that she cancelled North American Power service on June 1, 2022.

{¶ 4} Duke filed a motion to dismiss on August 31, 2022. Duke asserts that, because Ms. Jones states that North American Power is her electric supplier, Complainant has not presented a fact pattern under which Duke can “be accused of providing unjust, unreasonable, or discriminatory service.” Duke observes that Ms. Jones has not alleged that Duke failed to properly apply its tariffs, nor has Ms. Jones complained about any matter related to Duke. Duke requests that the complaint against Duke be dismissed with prejudice.

{¶ 5} North American Power filed its answer on September 1, 2022. North American Power admits that it was contacted by Complainant on April 6, 2022 regarding her enrollment for electric service. North American Power explains that it verified during the April 6, 2022 discussion with Complainant that the email address for the account was that of Ms. Jones’ husband. North American Power admits that Complainant disputed the enrollment; however, North American Power contends that its account for Ms. Jones began May 21, 2012 via submission of a May 2012 internet application. North American Power further admits that, at Complainant’s request, it resent the 2012 Welcome Letter to Ms. Jones. North American Power denies that the name on the account was changed to that of Complainant. North American Power admits that Complainant contacted North American Power on June 1, 2022 to cancel the account and that the account was canceled June 21, 2022. North American Power emphasizes that neither Ms. Jones nor anyone else disputed the enrollment with North American Power for nearly ten years.

{¶ 6} 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.

{¶ 7} Accordingly, a settlement conference shall be scheduled for November 3, 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 119 982 716# when prompted.

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

{¶ 9} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on 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.

{¶ 10} 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).

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be scheduled for November 3, 2022, at 10:00 a.m. as indicated in Paragraph 7. It is, further,

{¶ 13} 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

MLW/hac

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

Case No(s). 22-0778-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference shall be scheduled for November 3, 2022 at 10:00 a.m. electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission