

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF CARMEN
SCHATZMAN,**

COMPLAINANT,

v.

CASE NO. 22-728-EL-CSS

DUKE ENERGY OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on October 27, 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 July 25, 2022, Carmen Schatzman (Ms. Schatzman or Complainant) filed a complaint against Duke Energy Ohio (Duke) concerning her bill. Ms. Schatzman explains that she had received a September 1, 2020, letter stating that, because of governmental aggregation, Dynergy Energy Services (Dynergy) would become the supplier of her electricity. The letter also indicated that Complainant had until September 10, 2020, to cancel the transfer of her service to Dynergy. Complainant contends that she called to cancel the transfer in timely manner and received a letter indicating that her electric supplier would continue to be Duke. However, she asserts, her electric supplier was changed to Dynergy, and despite “multiple other callings * * * [to] Duke, Dynergy and * * * PUCO,” no party has found any record of her calls or letters indicating that she was to remain with Duke. She requests a credit to her account of the amounts billed by Dynergy.

{¶ 4} Duke filed its answer on August 15, 2022. Duke admits that Complainant is a Duke customer and that Duke mailed a letter to Complainant on September 1, 2020, stating that her supplier would change to Dynergy because of governmental aggregation. Duke further states that Complainant received a letter dated September 10, 2020, documenting her request to cancel enrollment with Dynergy and remain with Duke as her supplier of electricity. However, Duke adds, on October 1, 2020, Complainant called Duke to explain that, in her prior calls, she only had questions about aggregation and Dynergy, and that Duke had incorrectly removed Dynergy as her supplier of electricity. Duke asserts that it then attempted to cancel the rescind request concerning Dynergy, but could not confirm that the cancellation was successful, and therefore took steps to re-enroll Complainant with Dynergy. Duke contends that the time period of the alleged complaint does not allow for “the preservation/availability of many of the calls/recordings as alleged by Complainant.” Finally, Duke asserts that Complainant did not provide any copies of the letters that she alleges support her contentions.

{¶ 5} On October 7, 2022, an Entry was issued scheduling an October 14, 2022 settlement conference by telephone. Counsel for Duke participated in the conference call, but Complainant was not available.

{¶ 6} Accordingly, this complaint shall be rescheduled for a settlement conference by telephone at 10:00 a.m. on November 7, 2022. To participate in the settlement conference, the parties shall call (614) 721-2972 and enter 504 225 174# when prompted.

{¶ 7} 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.

{¶ 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 rescheduled to November 7, 2022, at 10:00 a.m. as indicated in Paragraph 6. 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

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in

Case No(s). 22-0728-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference be rescheduled to November 7, 2022, at 10:00 a.m. electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission