

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
ALDRAYUS WOODBERRY,

COMPLAINANT,

v.

CASE NO. 22-1035-GE-CSS

DUKE ENERGY OHIO, INC. AND VIRIDIAN
ENERGY OHIO LLC,

RESPONDENTS.

ENTRY

Entered in the Journal on January 20, 2023

{¶ 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. Similarly, pursuant to R.C. 4929.24, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by a retail natural gas supplier subject to certification under R.C. 4929.20 of any service for which it is subject to certification.

{¶ 2} Respondent 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. Respondent Viridian Energy Ohio LLC f/k/a Cincinnati Bell Energy LLC (Viridian) is an electric services company, as defined in R.C. 4928.01, and a retail natural gas supplier, as defined in R.C. 4929.01, and as such, is subject to the jurisdiction of this Commission.

{¶ 3} On November 8, 2022, Complainant filed a complaint stating that he discovered a charge on his electric bill from Cincinnati Bell Energy, to which he claims he did not consent. Further, Complainant states that after speaking to his electric utility, Duke,

he was informed that Viridian was unable to locate account information for him. Finally, Complainant alleges that Viridian communicated to him that a person named Alicia Woodberry, whom he claims does not reside in his home nor does he know anyone by that name, signed up for supply service through Viridian as Cincinnati Bell Energy, LLC.

{¶ 4} On November 28, 2022, Duke filed its answer, in which it admits that Complainant is its customer, denies the remaining allegations of the complaint, and sets forth several affirmative defenses. Duke includes in its answer an image of part of Complainant's supplier choice history, which shows Viridian as his supplier from November 10, 2020, to at least October 13, 2022.

{¶ 5} Also on November 28, 2022, Viridian filed its answer, in which it generally denies allegations contained in the complaint and states that in an effort to amicably resolve the complaint, it will be fully re-rating the Complainant back to standard service offer rates for the past two years of service and will work to resolve any remaining issues. Further, Viridian asserts several affirmative defenses.

{¶ 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 March 9, 2023, at 10:00 a.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215. Visitors should register at the building lobby desk and then proceed to the 11th floor to participate in, or attend, the settlement conference.

{¶ 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. All parties participating the conference shall be prepared to discuss settlement of the issues raised and shall have authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 9} 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).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for March 9, 2023, at 10:00 a.m., as indicated in Paragraph 7. 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

MJA/dmh

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in

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Summary: Attorney Examiner Entry that a settlement conference shall be scheduled for March 9, 2023, at 10:00 a.m. at the offices of the Commission, Room 1246, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio