

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
ROBERT LAMB,

CASE NO. 22-982-GA-CSS

COMPLAINANT,

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on January 26, 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.

{¶ 2} Duke Energy Ohio, Inc. (Duke) is a natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. Accordingly, Duke is subject to the Commission's jurisdiction.

{¶ 3} On October 20, 2022, Robert Lamb (Complainant) initiated a complaint against Duke alleging that Duke has been estimating his gas usage since April 2022, which has resulted in a bill of approximately \$1,700. Complainant also states that his landlord has requested that the gas meter be moved outside.

{¶ 4} On November 9, 2022, Duke filed its answer to the complaint admitting that Complainant is a Duke customer. Duke states that actual meter readings of Complainant's meter were obtained on January 22, 2022, and July 26, 2022, and Complainant's bill was \$1,361.15 after the bill was adjusted for Complainant's actual usage between the two readings. Duke states that the bill represented the adjusted charges for gas as well as

Complainant's unpaid electric charges. Duke asserts that a payment plan was established, and Complainant has made some limited payments. Duke also states that upon being made aware of the request to move the gas meter outside, it set a time in November 2022 to move the meter to an outdoor location. Duke also asserts the affirmative defense that Complainant failed to set forth reasonable grounds for the complaint, as well as other affirmative defenses.

{¶ 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} Accordingly, a settlement conference shall be scheduled for March 14, 2023, at 10:00 a.m. at the offices of the Commission, 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. The attorney examiner will meet the parties on the 11th floor and escort them to the appropriate conference room.

{¶ 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. All parties participating in 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.

{¶ 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 the settlement conference be scheduled for March 14, 2023, at 10:00 a.m., as indicated in Paragraph 6. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

NJW/mef

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in

Case No(s). 22-0982-GA-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for March 14, 2023, at 10:00 a.m. at the offices of the Commission electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio