

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
SELIN WALTZ,**

COMPLAINANT,

CASE NO. 21-890-EL-CSS

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on April 19, 2023

I. SUMMARY

{¶ 1} The Commission dismisses this case, with prejudice, as the parties have indicated they resolved all issues arising in connection with the complaint.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} Duke Energy Ohio, Inc. (Duke or Respondent) is a public utility as defined in R.C. 4905.02. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 4} On August 26, 2021, Selin Waltz (Complainant) initiated a complaint against Duke alleging that Duke is charging an unreasonable monthly fee after she opted-out of having an advanced electric meter installed on her property.

{¶ 5} Duke filed its answer to the complaint on September 7, 2021. In its answer, Duke admits some allegations in the complaint and denies others. Further, Duke asserts several affirmative defenses and avers that the monthly fee it charges the Complainant for opting-out of an advanced meter was duly approved by the Commission and is reasonable.

{¶ 6} A settlement conference in this case was scheduled for November 15, 2021. The conference occurred as scheduled, during which the parties were unable to settle the matter.

{¶ 7} Duke filed a motion to dismiss the complaint on December 29, 2021. Complainant responded to the motion, and Duke filed a reply memorandum.

{¶ 8} On April 18, 2022, the parties filed a joint motion to dismiss the complaint, which stated that the parties have resolved all issues and claims raised in the complaint. The parties, therefore, request that this case be dismissed with prejudice.

{¶ 9} Upon review of the joint motion to dismiss and based upon the representation of all parties therein that the issues alleged in the complaint have been resolved, the Commission finds that the parties' joint motion to dismiss is reasonable and should be granted. Accordingly, this case should be dismissed, with prejudice, and closed of record.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the parties' joint motion to dismiss be granted and this case be dismissed, with prejudice, and closed of record. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

CRW/dr

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in

Case No(s). 21-0890-EL-CSS

Summary: Entry dismissing this case, with prejudice, as the parties have indicated they resolved all issues arising in connection with the complaint electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.