

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CLIFFORD L.
RUCKER,

COMPLAINANT,

v.

CASE NO. 23-771-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on September 18, 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 public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On July 24, 2023, Clifford L. Rucker (Mr. Rucker or Complainant) filed a complaint against Duke, stating that in May 2020 he contacted Duke to begin service in his name as a tenant at 1508 Elm Street in Cincinnati. Complainant alleges that, from May 2020 to June 5, 2023, Duke did not provide electric service in his name at the aforementioned address; further, Mr. Rucker contends, from January 2022 to present Duke denied him access to his May 2020 to June 5, 2023 payment history. Complainant contends that he is “being forced to pay the bill for an account that is not mine, which was unlawfully secured in tenant’s name * * *.”

{¶ 4} Duke filed its answer on August 14, 2023. Duke admits that Mr. Rucker is a current Duke customer but denies any other contentions of Complainant.

{¶ 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 telephone conference shall be scheduled for September 28, 2023, at 10:00 a.m. The parties shall dial 1-614-721-2972 and enter conference code 294 490 669# to participate. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 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, 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.

{¶ 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 a telephonic settlement conference be scheduled for September 28, 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 all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

MJA/mef

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

Case No(s). 23-0771-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement teleconference for September 28, 2023, at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.