

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
CLIFFORD RUCKER,

COMPLAINANT,

v.

CASE NO. 23-771-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on October 5, 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 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 parties participated in a settlement conference on September 28, 2023, but were unable to resolve the matter.

{¶ 6} Accordingly, an evidentiary hearing shall commence on November 30, 2023, at 11:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 7} Of note, Ohio Adm.Code 4901-1-17(A) requires that discovery must be completed prior to the commencement of the hearing, unless otherwise ordered for good cause shown. Also, in accordance with Ohio Adm.Code 4901-1-29(A)(1), the attorney examiner directs any party intending to present direct expert testimony to file and serve upon all parties such testimony no later than seven days prior to the commencement of the hearing.

{¶ 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 evidentiary hearing be scheduled on November 30, 2023, in accordance with Paragraph 6. It is, further,

{¶ 11} ORDERED, That any party intending to present direct expert testimony to file such testimony in accordance with Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ James M. Lynn

By: James M. Lyn
Attorney Examiner

GNS/dr

**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 the evidentiary hearing for November 30, 2023, at 11:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215 and directing that any party intending to present direct expert testimony to file such testimony and serve upon all parties no later than seven days prior to the commencement of the hearing, in accordance with Paragraph 7 electronically filed by Debbie S. Ryan on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.