

**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 October 24, 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 for 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} On October 5, 2023, an Entry was issued scheduling a November 30, 2023 hearing.

{¶ 7} Because of scheduling conflicts for the attorney examiner, the hearing date shall be changed to December 12, 2023, at 11:00 a.m., at the offices of the Commission, Hearing Room 11-D, 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.

{¶ 8} 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.

{¶ 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 the evidentiary hearing date be rescheduled to December 12, 2023, in accordance with Paragraph 7. It is, further,

{¶ 12} ORDERED, That any party intending to present direct expert testimony to file such testimony in accordance with Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

*/s/ James M. Lynn*

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By: James M. Lyn  
Attorney Examiner

PAS/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 rescheduling the evidentiary hearing to December 12, 2023; and requiring all parties to file and serve any direct expert testimony no later than seven days prior to the hearing. electronically filed by Ms. Mary E. Fischer on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.