

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
EDWARD JACKSON,

COMPLAINANT,

v.

CASE NO. 22-182-EL-CSS

DUKE ENERGY OHIO, INC.

RESPONDENT.

ENTRY

Entered in the Journal on January 10, 2024

I. SUMMARY

{¶ 1} The Commission grants the request of Duke Energy Ohio, Inc. to dismiss the complaint, with prejudice, as the issues in the case have been resolved.

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. (Respondent or Duke) is a public utility as defined in R.C. 4905.02. As such, Respondent is subject to the Commission's jurisdiction.

{¶ 4} On March 11, 2022, Edward Jackson (Complainant) initiated a complaint against Respondent alleging that he was over-billed. Complainant states that for a property he purchased as a vacant and empty building in October 2018, he obtained a permit for temporary electricity, and rough-in occurred from 2019-2020. The Complainant states that from the start of his renovations to occupancy of the property, he received and paid bills for

each month. Complainant states that Duke sent a representative to install permanent electric meters, at which point the representative found the temporary meters were disconnected; Complainant alleges that the electrician he hired had disconnected those meters. After Duke installed permanent meters, Complainant states that he was issued an invoice for \$5,000 for utility theft. Complainant alleges that during the renovation period, he paid approximately \$4,900 in charges without gas service at all. Complainant requests that the Commission review the billings as he believes the charges are incorrect.

{¶ 5} Duke filed its answer on March 31, 2022. In its answer, Duke alleges that at some time in 2020, it did send a contractor to Complainant's property to replace the electric meters, and at that time, the contractor discovered that Complainant was obtaining electrical service by tampering with the metering services at the property. Duke alleges that Complainant had run a wire to the weather head and brought that wire inside the basement of the property, which bypassed the meters and allowed for unmetered service. Duke also alleges in its answer that it sent Complainant a bill for \$5,202.63 after it discovered the alleged tampering. Finally, Duke admits some allegations in the complaint, denies or is without sufficient knowledge to ascertain the veracity of other allegations, and sets forth several affirmative defenses.

{¶ 6} On April 25, 2022, by Entry, the attorney examiner scheduled a telephonic settlement conference to be held on May 17, 2022. By Entry dated May 10, 2022, the attorney examiner rescheduled the telephonic settlement conference to be held on June 14, 2022.

{¶ 7} On May 26, 2023, Respondent filed a notice of settlement and motion to dismiss, wherein Respondent states that the parties have resolved and settled issues raised in the complaint. Based upon this resolution, Respondent requests that the Commission dismiss the complaint, so long as no response is filed by the 20-day deadline for Complainant to file a written response to the motion to dismiss pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 8} Ohio Adm.Code 4901-9-01(F) provides that, if a public utility complained against files an answer or motion that asserts that a complaint has been satisfied or settled, and no response is filed within 20 days, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 9} Complainant did not file a response to Respondent's assertion that the matter has been resolved. Pursuant to Ohio Adm.Code 4901-9-01(F), the Commission finds that Respondent's request to dismiss the complaint is reasonable and should be granted.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Respondent's 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

IMM/dr

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in

Case No(s). 22-0182-EL-CSS

Summary: Entry granting the request of Duke Energy Ohio, Inc. to dismiss the complaint, with prejudice, as the issues in the case have been resolved.
electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio.