

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
ROBERT LAMB,

COMPLAINANT,

CASE NO. 22-982-GA-CSS

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

## ENTRY

Entered in the Journal on March 11, 2024

{¶ 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 natural gas company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02. Accordingly, Duke is subject to the Commission's jurisdiction.

{¶ 3} On October 20, 2022, Robert Lamb (Complainant) initiated a complaint against Duke alleging that Duke has been estimating his gas usage since April 2022, which has resulted in a bill of approximately \$1,700. Complainant also states that his landlord has requested that the gas meter be moved outside.

{¶ 4} On November 9, 2022, Duke filed its answer to the complaint admitting that Complainant is a Duke customer. Duke states that actual meter readings of Complainant's meter were obtained on January 22, 2022, and July 26, 2022, and Complainant's bill was \$1,361.15 after the bill was adjusted for Complainant's actual usage between the two readings. Duke states that the bill represented the adjusted charges for gas as well as

Complainant's unpaid electric charges. Duke asserts that a payment plan was established, and Complainant has made some limited payments. Duke also states that upon being made aware of the request to move the gas meter outside, it set a time in November 2022 to move the meter to an outdoor location. Duke also asserts the affirmative defense that Complainant failed to set forth reasonable grounds for the complaint, as well as other affirmative defenses.

{¶ 5} On January 26, 2022, the attorney examiner scheduled a settlement conference in this case to be held on March 14, 2023, which was later rescheduled for April 13, 2023. The settlement conference was held as scheduled. Both parties participated, and the parties appeared to have settled the matter, but no settlement agreement has been filed.

{¶ 6} On December 6, 2023, Duke filed a motion seeking a status conference. In its motion, Duke explained that it had sent the settlement agreement to Complainant, and Complainant stated that he had received it and would execute it and return it to Duke. Since that time, Duke states that Complainant has moved and changed his phone number. Duke states that it has been unable to get in contact with Complainant and has not received the executed settlement agreement. Duke requests a status conference to determine the next steps in the proceeding.

{¶ 7} At this time, the attorney examiner directs Duke and Complainant to each provide a written update as to the status of the proceeding by April 12, 2024. Duke should provide an update explaining whether it has had any further contact with Complainant and any other applicable updates. Complainant should indicate whether he intends to pursue his complaint, provide updated contact information, and provide dates that he is available for a second settlement conference or hearing. Failure to provide such information by April 12, 2024, may result in the case being dismissed for failure to prosecute the matter.

{¶ 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 Duke and Complainant each provide a status update by April 12, 2024, as indicated in Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John  
Attorney Examiner

MJA/mef

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**3/11/2024 10:44:05 AM**

**in**

**Case No(s). 22-0982-GA-CSS**

Summary: Attorney Examiner Entry directing Duke and Complainant to each provide a written update as to the status of the proceeding by April 12, 2024 electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio.