

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
WILLIAM R. MCKINNEY,

COMPLAINANT,

v.

CASE NO. 22-315-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

## ENTRY

Entered in the Journal on April 17, 2024

### I. SUMMARY

{¶ 1} The Commission dismisses the complaint, without prejudice, for failure to prosecute.

### 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. (Duke) is a public utility as defined in R.C. 4905.02. Accordingly, Duke is subject to the Commission's jurisdiction.

{¶ 4} On April 4, 2022, William R. McKinney (Mr. McKinney or Complainant) filed a complaint against Duke, alleging that he is being overcharged for his electric service at the one-bedroom apartment where he resides. Mr. McKinney states that he has attempted numerous times to reach Duke to discuss his bills and has had difficulty reaching someone.

The complaint states that Mr. McKinney is legally blind and was aided in filing his complaint by an Office of Veterans Affairs case worker.

{¶ 5} Duke filed its answer on April 22, 2022. In its answer, Duke avers that Complainant did speak to several supervisors and contacts with Duke's Consumer Affairs department. Further, Duke states that Mr. McKinney's electric use and billing has been steady from 2020 to around the time complained of in 2022. Duke attached to its answer a chart showing the billing history for Complainant. Duke denies that it is overcharging Complainant or in violation of its tariff. Finally, Duke either admits, denies or submits that it is without sufficient knowledge to ascertain the veracity of specific allegations asserted in the complaint. Additionally, Duke states several affirmative defenses.

{¶ 6} A telephonic settlement conference was held on March 24, 2023. The parties were unable to settle the matter during the conference.

{¶ 7} On February 14, 2024, the attorney examiner, by Entry, directed Mr. McKinney to provide an update as to the status of his complaint by March 8, 2024, as to whether he intends to pursue his complaint and to provide dates that he is available for hearing. The Entry specified that failure to provide such information by March 8, 2024, may result in the case being dismissed for failure to prosecute the matter.

{¶ 8} Mr. McKinney did not file a statement by March 8, 2024, in response to the attorney examiner's Entry of February 14, 2024. Further, attempts by the attorney examiner to reach Mr. McKinney, directly or through the Office of Veterans Affairs case worker, have not been successful. Therefore, the Commission finds that this case should be dismissed, without prejudice, for failure to prosecute and the case closed of record. If, in the future, Mr. McKinney wishes to pursue his complaint at the Commission, he may do so by filing a new formal complaint.

### III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the complaint be dismissed, without prejudice, for failure to prosecute and the case closed of record. It is, further,

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

**COMMISSIONERS:**

*Approving:*

Jenifer French, Chair  
Daniel R. Conway  
Lawrence K. Friedeman  
John D. Williams

JMD/mef

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**4/17/2024 3:03:29 PM**

**in**

**Case No(s). 22-0315-EL-CSS**

Summary: Entry dismissing the complaint, without prejudice, for failure to prosecute electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio.