

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 April 17, 2024

I. SUMMARY

{¶ 1} The Commission grants the motion to dismiss filed by Duke Energy Ohio, Inc. without prejudice.

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 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} 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 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 * * *.”

{¶ 5} 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.

{¶ 6} The parties participated in a settlement conference on September 28, 2023, but were unable to resolve the matter.

{¶ 7} On October 5, 2023, an Entry was issued scheduling a November 30, 2023 hearing. The hearing date was continued twice and ultimately scheduled for March 12, 2024.

{¶ 8} On March 5, 2024, Duke filed its expert testimony, along with a Motion for Protective Order and Memorandum in Support. Duke explains that the Motion for Protective Order concerns specific information associated with Mr. Rucker’s account. Upon review, the Commission finds that the motion for a protective order is reasonable and grants the same.

{¶ 9} On March 8, 2024, Duke filed a letter stating that the parties have reached an agreement in principle resolving all issues and that the hearing is no longer necessary. Duke added that it would file for dismissal following execution of a settlement agreement.

{¶ 10} On March 21, 2024, Duke filed a motion to dismiss the complaint and a memorandum in support. Duke states that the matter has been resolved and all issues settled. Accordingly, Duke adds, the complaint should be dismissed pursuant to Ohio Adm.Code 4901-9-01(C)(4) and 4901-9-01(F).

{¶ 11} Pursuant to Ohio Adm.Code 4901-9-01(F), if a public utility files a motion stating that the complaint has been satisfied or the case has been settled, the complainant shall file a written response within 20 days after service of the motion, indicating agreement

or disagreement with the utility's assertions or if complainant wishes to pursue the matter. If no response is filed within 20 days, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 12} Mr. Rucker did not file a statement by April 10, 2024, in response to Duke's motion to dismiss. Therefore, pursuant to Oho Adm.Code 4901-9-01(F), Duke's motion to dismiss is granted, without prejudice.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Duke's March 5, 2023 motion for protective order be granted. It is, further,

{¶ 15} ORDERED, That Duke's March 21, 2024 motion to dismiss the complaint be granted, without prejudice. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon Respondent and all other interested parties of record.

COMMISSIONERS:

Approving:

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

JML/dmh

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Case No(s). 23-0771-EL-CSS

Summary: Entry granting the motion to dismiss filed by Duke Energy Ohio, Inc. without prejudice electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio.