

FILE

BEFORE


THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James	)	
Byerly, Jr., Benjamin Wissel, Shirley	)	
Newman, Jeffrey Reichard, Daniel Ledford,	)	
Patricia Ingram, James Wellinghoff, Al Roane,	)	
and Bruce Aronow,	)	Case No. 07-196-EL-CSS
	)	Case No. 07-197-EL-CSS
Complainants,	)	Case No. 07-198-EL-CSS
	)	Case No. 07-253-EL-CSS
v.	)	Case No. 07-263-EL-CSS
	)	Case No. 07-265-EL-CSS
Duke Energy Ohio, Inc.,	)	Case No. 07-271-EL-CSS
	)	Case No. 07-281-EL-CSS
Respondent.	)	Case No. 07-300-EL-CSS

ENTRY

The attorney examiner finds:

- (1) On various dates in February and March 2007, James Byerly, Jr., Benjamin Wissel, Shirley Newman, Jeffrey Reichard, Daniel Ledford, Patricia Ingram, James Wellinghoff, Al Roane, and Bruce Aronow (collectively referred to as "complainants") filed complaints against Duke Energy Ohio, Inc. (Duke). Complainants each allege that they are living in residential condominiums in the same rehabbed office building that is supplied with electricity from Duke through a three-phase wiring connection. Complainants contend that Duke is applying a non-residential tariff rate to them because Duke claims its tariff requires non-residential rates be applied to customers with three-phase electric service. Complainants claim that Duke is applying its tariff in an unreasonable and unjust manner and that, because the complainants do not use three-phase electric service, they should not be charged non-residential electric rates.
- (2) To date, Duke had filed answers to some of the complaints that admit, in part, and deny, in part, the allegations of the complaints.
- (3) The examiner finds that the above-captioned complaints should all be consolidated for purposes of holding a prehearing

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settlement conference and that such a conference should be held on April 19, 2007, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room 11-F, Columbus, Ohio 43215-3793. The purpose of the settlement conference is to determine whether these matters can be resolved informally.

- (4) The examiner also finds that, because of the volume of complaints that are all filed against Duke and that all contain the same or similar allegations, the complainants can, in lieu of all participating in the settlement conference, elect to designate one or more spokesperson(s) to represent all of their interests at the settlement conference.

It is, therefore,

ORDERED, That the prehearing conference be held in accordance with Finding (3).  
It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Scott Farkas  
Attorney Examiner

grg  
/ct

Entered in the Journal

MAR 26 2007



Renee J. Jenkins  
Secretary