

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James	)	Case No. 07-196-EL-CSS
Byerly, Jr., Benjamin Wissel, Shirley	)	Case No. 07-197-EL-CSS
Newman, Jeffrey Reichard, Daniel Ledford,	)	Case No. 07-198-EL-CSS
Patricia Ingram, James Wellingshoff, Al Roane,	)	Case No. 07-253-EL-CSS
Bruce Aronow, Brian Beachkofski, Central	)	Case No. 07-263-EL-CSS
Parkway Properties, Karl Koehler, David	)	Case No. 07-265-EL-CSS
Wilder, and American Building Condo Assoc.	)	Case No. 07-271-EL-CSS
LLC.,	)	Case No. 07-281-EL-CSS
	)	Case No. 07-300-EL-CSS
Complainants,	)	Case No. 07-322-EL-CSS
	)	Case No. 07-379-EL-CSS
v.	)	Case No. 07-392-EL-CSS
	)	Case No. 07-397-EL-CSS
Duke Energy Ohio, Inc.,	)	Case No. 07-404-EL-CSS
)	
Respondent.)	

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 Wellingshoff, Al Roane, Bruce Aronow, Brian Beachkofski, Central Parkway Properties, Karl Koehler, David Wilder, and the American Building Condo Assoc. LLC., (collectively referred to as "complainants") filed complaints against Duke Energy Ohio, Inc. (Duke). The complainants each alleged that, because they had a three-phase connection for electric service, they were improperly charged for electricity by Duke pursuant to a commercial tariff rather than a residential tariff.
- (2) On April 30, 2007, the complainants and Duke filed a partial stipulation. In part, the partial stipulation provided that Duke would file with the Commission an application for a tariff amendment (ATA) for a new three-phase residential service that would apply to the complainants. The partial stipulation also indicated that, following Commission approval of the tariff, Duke would place the complainants on this new tariff and would charge such consumers under such tariff on a going

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forward basis. In addition, Duke would adjust the electric bills for any residential complainants who were billed under the non-residential Rate DS and would issue bill credits to applicable customers. Further, under the partial stipulation, any residential complainant had the option to continue to pursue his or her complaint for a refund for past payments made under Rates DS or DM.

- (3) On July 25, 2007, the Commission approved Duke's three-phase residential tariff. Accordingly, any complainant seeking to pursue a refund for past payments made under Rates DS or DM, should file a written notice in the docket of his or her case that indicates a wish to proceed with the complaint. Such a notice should be filed by August 20, 2007. Any customer who is not interested in pursuing such a claim, need file nothing. Any case where no customer notice is filed will be recommended to be closed.

It is, therefore,

ORDERED, That any complainant seeking to pursue a complaint for refund file a written notice by August 20, 2007. It is, further,

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

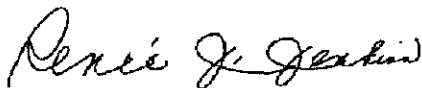
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas
Attorney Examiner

Entered in the Journal

JUL 31 2007



Renee J. Jenkins
Secretary

RJD/ct