

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|--|---|------------------------|
| 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 Commission 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 10, 2007, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in the above-captioned cases.
- (3) 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 for a new three-phase residential service that would apply to the complainants. The partial stipulation also

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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 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.

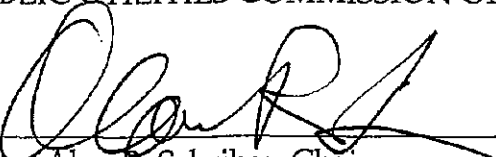
- (4) On July 25, 2007, the Commission approved Duke's three-phase residential tariff. Thereafter, by entry of July 31, 2007, complainants seeking to pursue a refund for past payments made under Rates DS or DM were directed to file by August 20, 2007, a written notice that indicated a wish to proceed with the complaint. Any case where no customer notice was filed would be recommended to be closed.
- (5) As of August 20, 2007, no complainant in the above-captioned cases filed a written notice indicating a wish to proceed with the complaint. Therefore, the above-captioned complaints should be dismissed. Having dismissed the complaints, OCC's motion to intervene is moot.


It is, therefore,

ORDERED, That the above-captioned complaints be dismissed. It is, further,

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

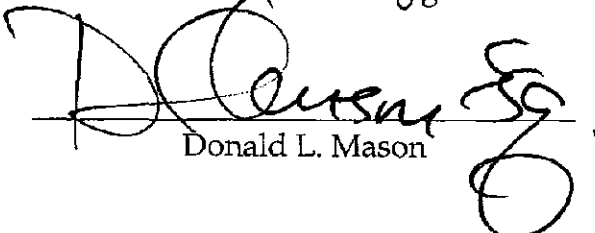
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

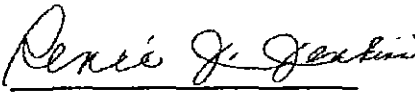

Valerie A. Lemmie


Donald L. Mason

SEF:ct

Entered in the Journal

AUG 29 2007


Renee J. Jenkins
Secretary