

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Gary Weiss,)

Complainant,)

v.)

Case No. 08-228-GA-CSS)

Duke Energy Ohio, Inc.,)

Respondent.)

ENTRY

The attorney examiner finds:

- (1) On March 6, 2008, Gary Weiss filed a complaint alleging that Duke Energy Ohio, Inc. (Duke) improperly charged him for gas services that he did not request and that were not provided. Mr. Weiss claims that, since August 1998, Duke has included a charge on his utility bill for gas service, even though his bill shows no gas usage and the building he lives in does not use natural gas. Mr. Weiss seeks a refund for all gas charges he has been billed by Duke since August 1998.
- (2) On March 25, 2008, Duke filed an answer denying the material allegations in the complaint.
- (3) This matter should be scheduled for a settlement conference on April 30, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-B, Columbus, Ohio 43215-3793. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. The parties should bring all relevant documents with them to the conference. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim.
- (4) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the

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Technician

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complaint, pursuant to *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189 (1966).

It is, therefore,

ORDERED, That a settlement 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

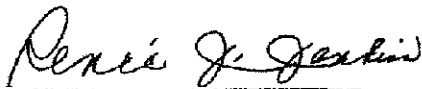


By: Scott Farkas
Attorney Examiner

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Entered in the Journal

APR 1 2008



Renee J. Jenkins
Secretary