

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Betty Jean Putman,)
Complainant,)
v.) Case No. 07-1031-EL-CSS
Duke Energy Ohio, Inc.,)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On September 18, 2007, Betty Jean Putman (complainant) filed a complaint against Duke Energy Ohio, Inc. (DE-Ohio), alleging that she was on a Percentage of Income Payment Plan (PIPP) for 16 years, but is no longer a PIPP customer. The complainant states that DE-Ohio has billed her \$10,000, has turned off her service, and the company is asking her to pay \$3,000 to have her service turned back on. The complainant maintains that the company will not work with her to get her service turned back on.
- (2) On October 4, 2007, DE-Ohio filed its answer to the complaint denying the allegations in the complaint, except to the extent they are specifically admitted in the answer, and stating that it has complied with all applicable state statutes, the Commission's rules and regulations, and DE-Ohio's tariff.
- (3) By entry issued January 17, 2008, the attorney examiner scheduled this matter for settlement conference on February 20, 2008.
- (4) On February 20, 2008, the complainant contacted the offices of the Commission and said that, due to the weather conditions, she would not be able to attend the conference.

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- (5) Subsequently, by entry issued February 22, 2008, the attorney examiner rescheduled the settlement conference to March 13, 2008.
- (6) The attorney examiner conducting the settlement and counsel for DE-Ohio were present at the settlement conference on March 13, 2008; however, the complainant did not appear. The attorney examiner contacted the complainant and the complainant stated that she was not able to attend the settlement conference because she could not get a ride. The complainant requested that the case move forward to hearing and that the hearing be scheduled on an afternoon in May.
- (7) The attorney examiner finds that reasonable grounds for complaint have been stated. Accordingly, this case should be scheduled for a hearing on May 22, 2008, at 1:30 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room G, Columbus, Ohio.
- (8) In Commission proceedings, the complainant has the burden of proving the allegations of the complaint. Thus, at the hearing, it shall be Ms. Putman's responsibility to appear and be prepared to present evidence in support of the complaint.
- (9) Any party intending to present direct expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.

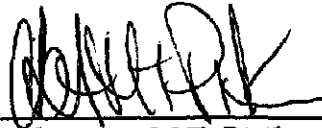
It is, therefore,

ORDERED, That a hearing be scheduled as set forth in Finding (7). It is, further,

ORDERED, That the parties comply with Findings (8) and (9), regarding the burden of proof and the filing of direct expert testimony. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Christine M.T. Pirik
Attorney Examiner

geg
/vrm

Entered in the Journal

APR 14 2008



Renee J. Jenkins
Secretary