

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 Commission finds:

- (1) On September 18, 2007, Betty Jean Putman (complainant) filed a complaint against Duke Energy Ohio, Inc. (DE-Ohio), alleging that the company would 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.
- (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

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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.

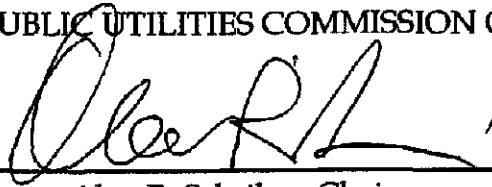
- (7) By entry issued April 14, 2008, the attorney examiner scheduled this matter for a hearing on May 22, 2008, at 1:30 p.m., at the offices of the Commission.
- (8) The hearing was convened as scheduled on May 22, 2008. Counsel for DE-Ohio and the DE-Ohio witness were present at the hearing; however, the complainant did not appear. An attempt to contact the complainant was unsuccessful. On the record at the hearing, counsel for DE-Ohio moved to dismiss this complaint, with prejudice, for failure of the complainant to prosecute. In addition, counsel for DE-Ohio stated that, while the complainant has been receiving natural gas service during the pendency of this complaint, DE-Ohio is seeking direction from the Commission regarding whether the company may disconnect the complainant at this time for failure to pay her bill.
- (9) Under the circumstances and, in light of the complainant's failure to appear at the hearing, the Commission finds that DE-Ohio's motion to dismiss should be granted and this complaint should be dismissed because the complainant has failed to prosecute the case. With regard to DE-Ohio's question of whether it may disconnect the complainant, the Commission finds that DE-Ohio may proceed in accordance with the disconnection of service procedures and requirements set forth in Chapter 4901:1-18, Ohio Administrative Code.

It is, therefore,

ORDERED, That DE-Ohio's motion to dismiss be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Cheryl L. Roberto

Valerie A. Lemmie

CMTP/vrm

Entered in the Journal

AUG 27 2008



Renee J. Jenkins
Secretary