

THE PUBLIC UTILITIES COMMISSION OF OHIO

## ENTRY

- (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 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) At various times since the answer was filed, settlement conferences and discussions have been held between the parties; however, they have been unable to resolve this matter. The examiner finds that sufficient time has elapsed for the parties to resolve this matter informally and that a hearing should now be scheduled. Accordingly, a hearing should be held in this case at 10:00 a.m., on February 19, 2009, at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room 11-F, Columbus, Ohio 43215-3793.
- (4) 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 the commencement of the hearing.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician AND Date Processed 1/24/09

- (5) In complaint proceedings, the burden of proof rests with the complainant. Therefore, at the hearing, it shall be Mr. Weiss's responsibility to appear and be prepared to present evidence in support of the complaint.

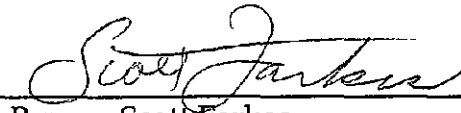
It is, therefore,

ORDERED, That a hearing be held as set forth in Finding (3). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (4). 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

grg/ct

Entered in the Journal

**JAN 20 2009**



Renee J. Jenkins  
Secretary