

Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT MAIL DELIVERY

July 20, 2009

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

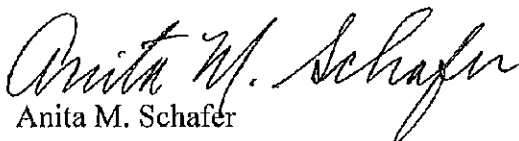
Re: Case No. 09- 31-EL-UNC

Dear Docketing:

Enclosed please find a Motion to Dismiss in the above captioned case.

Should you have any questions, please contact me at (513) 419-1847.

Very truly yours,


Anita M. Schafer
Senior Paralegal

Enclosure

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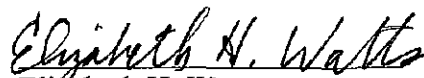
BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
James Drury)	
)	Case No. 09-0031-EL-CSS
Complainant)	
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent)	

MOTION TO DISMISS

Now comes Duke Energy Ohio, Inc. and moves to dismiss this complaint. The reasons for this motion are set forth in the Memorandum in Support.

Respectfully submitted,



Elizabeth H. Watts
Duke Energy Ohio, Inc.
155 East Broad Street
21st Floor
Columbus, Ohio 43081
Tel. (614) 222-1331
Fax. (614) 222-1337

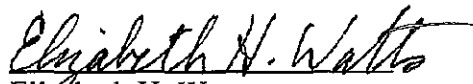
MEMORANDUM IN SUPPORT

Complainant initiated this case on January 14, 2009, alleging that his certain charges for his electric service at 6275 Henderson Rd., Middletown, Ohio were overbilled. Charges for electric service for a period of months during 2008 had been estimated due to a malfunctioning electric meter and Complainant alleged that the estimated charges were incorrectly calculated. Duke Energy Ohio, Inc. specifically denies that these calculations are incorrect. However, in lieu of hearing on this matter, Duke Energy Ohio, Inc. has reached an accommodation with this Complainant.

Therefore, pursuant to Ohio Administrative Code 4901-9-01(F), Duke Energy Ohio, Inc. states that this matter has been resolved to Complainant's satisfaction and should be dismissed. If Complainant is not satisfied with the resolution of this matter, Complainant must file a written response to this motion within twenty days after receipt of this motion, indicating that he/she wishes to pursue the complaint. If Complainant does not file a written response indicating that Complainant is not satisfied with the resolution, the Commission may then dismiss this complaint.

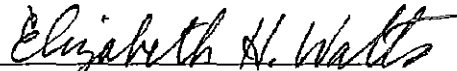
Duke Energy Ohio, Inc. hereby affirms that a copy of this Motion will be sent to Complainant on the date of its filing, and that if Complainant fails to respond, Duke Energy Ohio's motion to dismiss should be granted.

Respectfully Submitted,


Elizabeth H. Watts
Counsel for Duke Energy Ohio, Inc
155 East Broad Street
21st Floor
Columbus, Ohio 43081
Tel. (614) 222-1331
Fax. (614) 222-1337

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Dismiss was served on the following by first class U.S. mail, postage prepaid, on this 20 day of July, 2009.


Elizabeth H. Watts

James Drury
6275 Hendrickson Rd.
Middletown, Ohio 45044