

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Tara Steele,

Complainant,

v.

Duke Energy Ohio, Inc.,

Respondent.

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) Case No. 08-1059-EL-CSS
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ENTRY

The Commission finds:

- (1) On September 5, 2008, Tara Steele (complainant) filed a complaint alleging that Duke Energy Ohio, Inc., (Duke) had overcharged her for electric service.
- (2) On September 25, 2008, Duke filed an answer denying the allegations in the complaint.
- (3) A settlement conference was held on November 13, 2008. The parties, however, were unable to resolve their differences at the settlement conference.
- (4) A hearing was scheduled in this matter, but was continued twice because of schedule conflicts. The hearing was rescheduled for June 24, 2009.
- (5) Prior to rescheduling the hearing, the attorney examiner contacted the complainant and informed her of the June 24, 2009, hearing date. The hearing convened on June 24, 2009.
- (6) Duke attended the hearing, but the complainant did not appear for the proceeding. At the hearing, Duke moved to dismiss the complaint for failure to prosecute.
- (7) By entry dated July 16, 2009, the attorney examiner observed that the complainant may have been unaware that failure to attend the scheduled hearing might result in dismissal of the

complaint for failure to prosecute. Therefore, Duke's motion to dismiss was held in abeyance.

- (8) Further, in the entry, the attorney examiner offered the complainant two options: (a) respond in writing to the attorney examiner by July 24, 2009, with regard to whether or not she wished to proceed to hearing with her complaint, or (b) do nothing by the close of business on July 24, 2009, and the attorney examiner would recommend that the case be dismissed.
- (9) Subsequently, the complainant contacted the attorney examiner and acknowledged that she had read the July 16, 2009, entry and that she was aware of her options in this matter.
- (10) The complainant did not respond in writing to the attorney examiner as directed by the July 16, 2009, entry, regarding the disposition of her case. Accordingly, the Commission finds that Duke's motion to dismiss for failure to prosecute is reasonable, and should be granted.

It is, therefore,

ORDERED, That the motion to dismiss the complaint is granted. It is, further,

ORDERED, That Case No. 08-1059-EL-CSS be dismissed. 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

Paul A. Centolella

Ronda Hartman Fergus

Ronda Hartman Fergus

Valerie A. Lemmie

Valerie A. Lemmie

Cheryl L. Roberto

Cheryl L. Roberto

KKS/vrm

Entered in the Journal

AUG 12 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary