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Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT MAIL DELIVERY

December 9, 2009

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

Re: Case No. 09-1037-GA-CSS

Dear Docketing:

Enclosed please find an original and twelve copies of the Motion to Dismiss of Duke Energy Ohio in the above captioned case. Please date-stamp the extra two copies and return in the envelope provided.

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

Very truly yours,

Anita M. Schafer
Senior Paralegal

cc: Greg Carnes

Enclosure

This is to certify that the above is a true and accurate and complete reproduction of a document delivered in the regular course of business
Technician DR Date Processed 12-10-09

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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Gregory Carnes
6716 Old Station Drive
West Chester, OH 45069

Complainant

v.

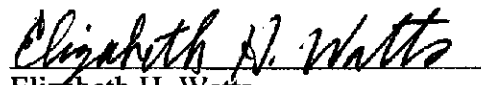
Duke Energy Ohio

Respondent

Case No. 09-1037-GA-CSS

MOTION OF DUKE ENERGY OHIO
TO DISMISS COMPLAINT

Now comes Duke Energy Ohio, Inc. and pursuant to Ohio Administrative Code §4901-9-01(D), hereby moves to dismiss the Complaint with prejudice on the grounds that the parties have agreed to a billing adjustment and payment that Duke Energy Ohio has applied to Mr. Carnes's account, thus settling the issues raised in the Complaint.


Elizabeth H. Watts
Assistant General Counsel
Duke Energy Business Services Inc.
39 East Fourth Street
Rm 2500 Atrium II
P.O. Box 960
Cincinnati, OH 45201-0960
tel: (513) 419-1871
fax: (513) 419-1846

CERTIFICATE OF SERVICE

I hereby give notice that on this 9th day of December 2009, I have served the foregoing Joint Motion to Dismiss on the parties of record by mailing a true copy by regular U.S. mail to Gregory Carnes, 6716 Old Station Drive, West Chester, OH 45069.


Elizabeth H. Watts