

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Gregory)	
Carnes,)	
)	
Complainant,)	
)	
v.)	Case No. 09-1037-GA-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On December 10, 2009, Duke Energy Ohio, Inc. (Duke Energy or company) filed a motion to dismiss this complaint. In the motion, Duke Energy stated that the parties have agreed to a billing adjustment and payment that the company has applied to Mr. Carnes's account, thus settling the issues raised in the complaint. The motion was served upon the complainant, Gregory Carnes.
- (2) Pursuant to Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.),¹ Mr. Carnes shall have 20 days from the date of this entry, until January 12, 2010, to file a written response with the Commission stating whether he agrees or disagrees with Duke Energy's representation of the status of the complaint. If no response is filed by Mr. Carnes, the Commission may presume that the matter has been settled.

It is, therefore,

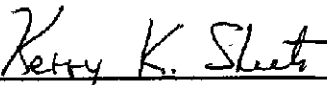
¹ Rule 4901-9-01(F), O.A.C., states:


If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within twenty days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

ORDERED, That Mr. Carnes has until January 12, 2010, to file a written response with the Commission as discussed in Finding (2). It is, further,

ORDERED, That a copy of this entry be served upon Mr. Carnes, Duke Energy and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Kerry K. Sheets
Attorney Examiner


/vrm

Entered in the Journal

DEC 23 2009



Renee J. Jenkins
Secretary