

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Glenn A. Ray,)	
)	
)	
Complainant,)	
)	
v.)	Case No. 09-874-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 30, 2009, Glenn A. Ray (complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that, during a planned electric outage by his condominium association, Duke discovered an unsafe utility pole, which required replacement before power could be restored, resulting in a power outage of approximately 18.5 hours. Specifically, complainant requests reimbursement for perishable food items lost during the outage.
- (2) On October 20, 2009, Duke filed its answer to the complaint, denying the allegations in the complaint, and stating that Duke has not violated any rule, regulation, or tariff provision. Duke also requests that the complaint be dismissed as the complainant has failed to set forth reasonable grounds for the complaint.
- (3) By Entry dated November 18, 2009, the attorney examiner scheduled this matter for a settlement conference to be held on December 14, 2009. Duke appeared at the settlement conference. However, complainant did not appear at the settlement conference.
- (4) After the scheduled conference, complainant was contacted by telephone, at which time he stated that he did not wish to pursue his complaint. Complainant was directed to file

correspondence requesting that his complaint be dismissed. To date, the Commission has received no such correspondence.

- (5) Accordingly, the attorney examiner finds that if complainant wishes to proceed with his complaint, he should inform the Commission, in writing, within 10 days of the issuance of this entry. If the Commission receives no response from the complainant, the attorney examiner will recommend that the Commission dismiss the case for lack of prosecution.

It is, therefore,

ORDERED, That if complainant wishes to proceed with his complaint, he inform the Commission in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

grg
/dah

Entered in the Journal

JAN 04 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary