

THE PUBLIC UTILITIES COMMISSION OF OHIO

Respondent.

Case No. 09-405-EL-CSS

The attorney examiner finds:

- (1) On May 11, 2009, Leevetta Elder (complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that payments made on her account have not been properly credited.
- (2) On May 28, 2009, Duke filed its answer to the complaint, stating that it is without sufficient knowledge or information to either admit or deny the allegations contained in the complaint and asking that the complaint be dismissed on the grounds that the complainant failed to set forth reasonable grounds for complaint. Duke further asserts that it has at all times complied with all relevant statutes, rules, regulations, and tariffs.
- (3) By entry issued December 10, 2009, this matter was scheduled for a settlement conference on February 8, 2010. On that date, the complainant notified the attorney examiner that she was unable to attend due to weather conditions.
- (4) Accordingly, the attorney examiner finds that this matter should be rescheduled for a settlement conference on April 6, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1247, Columbus, Ohio 43215-3793.


- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That, in accordance with finding (4), this matter be rescheduled for a settlement conference on April 6, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1247, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Henry H. Phillip-Gary
Attorney Examiner

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Entered in the Journal

MAR 02 2010



Renee J. Jenkins
Secretary