

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of John Ondrovich,)	
)	
Complainant,)	
)	
v.)	Case No. 09-917-EL-CSS
)	
Duke Energy Ohio,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On October 7, 2009, John Ondrovich (Mr. Ondrovich) filed a complaint against Duke Energy Ohio (Duke). Mr. Ondrovich stated that on August 17, 2009, he purchased a residence, and that while moving into the property several days later, he found that Duke had removed electric lines from the residence and disconnected the lines from the utility pole. Mr. Ondrovich contended that he contacted Duke immediately and was told that the disconnection was because the prior owner had not paid an outstanding bill. Mr. Ondrovich added that he faxed information to Duke proving that he is a new owner of the home, but Duke responded by stating that service was denied because the property was in foreclosure and that Mr. Ondrovich had lived in the residence for many years, making him responsible for past due usage and tampering fees.
- (2) Duke answered the complaint on October 27, 2009, as amended on November 20, 2009. Duke asserted that although Mr. Ondrovich advised Duke that he was the new owner of the property, the land installment contract that he had faxed to Duke had no indication that it was filed with the Recorder of Butler County, Ohio. Duke added that electric service was disconnected for nonpayment on approximately May 15, 2008, but the service was discovered to be active in July 2009. Duke stated that it then disconnected the electrical wires at the utility pole and refused service under Chapter 4901:1-18, Ohio Administrative Code, and other applicable service rules, which indicate conditions under which a utility can terminate service, including tampering with service equipment.

Duke admitted that it had received calls from Mr. Ondrovich, "who was advised that service could not be provided until an investigation was complete."

- (3) By entry issued on November 24, 2009, the attorney examiner scheduled a prehearing conference for December 8, 2009.
- (4) On December 8, 2009, Mr. Ondrovich contacted the attorney examiner by telephone and asked that the prehearing conference be rescheduled. The attorney examiner then issued an entry December 9, 2009, which changed the date of the prehearing conference to January 6, 2010. The parties met on that date and continued settlement discussions in subsequent weeks.
- (5) On May 12, 2010, the parties filed a joint motion asking that the Commission dismiss the complaint with prejudice, as the parties have settled the matter and all issues in the complaint have been resolved.
- (6) The Commission finds the parties' request to dismiss the complaint, with prejudice, is reasonable and should be granted

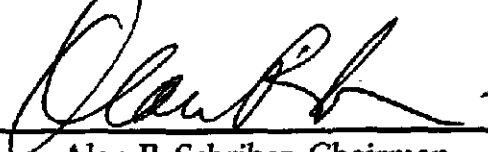
It is, therefore,

ORDERED, That the request to dismiss the complaint, with prejudice, is granted.
It is, further,

ORDERED, That Case No. 09-917-EL-CSS is dismissed with prejudice. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella

Valerie A. Lemmie



Steven D. Lesser

Cheryl L. Roberto

JML/dah

Entered in the Journal

JUN 09 2010



Renee J. Jenkins
Secretary