

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Scott W. Johnson,

Complainant,

v.

Duke Energy Ohio, Inc.

Respondent.

Case No. 09-590-EL-CSS

ENTRY

The attorney examiner finds:

- (1) On July 1, 2009, Scott W. Johnson (Mr. Johnson) contacted his Congresswoman, Jean Schmidt, to complain that Duke Energy Ohio, Inc. (Duke) had excessively cleared vegetation near its power lines, resulting in loss of wildlife and restricted water flow in a nearby creek. Mr. Johnson's complaint was forwarded by Congresswoman Schmidt's staff to the Office of the Ohio Consumers' Counsel (OCC), which then forwarded the complaint to the Commission on July 13, 2009.
- (2) On August 3, 2009, Duke answered Mr. Johnson's complaint. Duke denied that it had performed vegetation management in a manner that was unreasonable or improper, or in a manner that did not conform with Duke's policies.
- (3) After postponement of several settlement conferences at Mr. Johnson's request, the parties met for a March 26, 2010, settlement conference and were unable to resolve matters. Shortly thereafter, Mr. Johnson informed the attorney examiner that he desired to proceed to hearing.
- (4) By attorney examiner entry issued June 21, 2010, a hearing date of July 16, 2010, was scheduled. However, on July 6, 2010, counsel for Mr. Johnson mailed a letter to the Commission, requesting a continuance of the hearing date. Counsel for Mr. Johnson explained that he would be out of state on July 16, 2010.

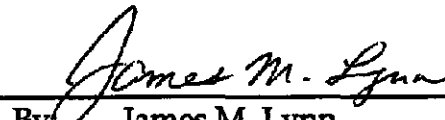
- (5) The attorney examiner concludes that the request for a continuance is reasonable. Therefore, the continuance shall be granted, and the hearing shall be rescheduled to a date to be determined in a future entry.

It is, therefore,

ORDERED, That the request for a continuance shall be granted, and the hearing shall be rescheduled to be determined in a future entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By James M. Lynn
Attorney Examiner

gfg/dah

Entered in the Journal

JUL 15 2010



Renee J. Jenkins
Secretary