BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Samuel Mays,	)	
Complainant,	)	
v.	)	Case No. 10-993-EL-CSS
Duke Energy Ohio, Inc.,	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

(1) On July 20, 2010, Samuel Mays (Mr. Mays) filed a complaint against Duke Energy Ohio, Inc. (Duke), stating that Ms. L. Jones placed service at 2444 Gilbert Avenue in her name for eight months, and that she moved when she received a disconnection notice. He added that on April 1, 2010, he placed the service in his name. Mr. Mays provided no other information concerning his complaint.

(2) On August 10, 2010, Duke filed an answer asserting that Mr. Mays had not stated a claim against Duke, and contending that it had provided reasonable and adequate service to Mr. Mays. Duke also filed a motion to dismiss the complaint because of failure to set forth grounds for complaint.

(3) On September 8, 2010, the attorney examiner issued an entry directing Mr. Mays to file an amended complaint clarifying his concerns.

(4) Mr. Mays filed his amended complaint on September 23, 2010. Mr. Mays asserted that he had been billed and had paid for electric service, despite the bill not being issued in his name.

(5) Duke responded to the amended complaint on September 29, 2010, by renewing its motion to dismiss and asserting that Mr. Mays had not provided any information to indicate that Duke had violated its tariff or Ohio law.

(6) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

(7) Accordingly, a settlement conference shall be scheduled for October 19, 2010, at 2:30 p.m., Conference Room 1246, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to establish a procedural schedule to facilitate the timely and efficient processing of this complaint. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

(8) Pursuant to Rule 4901-1-26, O.A.C., the representative of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference should be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, the parties attending the settlement conference should bring with them all documents relevant to this matter.

(9) 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 198.

It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on October 19, 2010, at 2:30 p.m., in Conference Room 1246, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn
Attorney Examiner

JRJ
JML/dah

Entered in the Journal
OCT 0 5 2010

Reneé J. Jenkins
Secretary