

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Debora and Robert Clark,)	
)	
Complainants,)	
)	
v.)	Case No. 11-834-GA-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On February 14, 2011, Debora and Robert Clark (complainants) filed a complaint against Duke Energy Ohio, Inc. (Duke), stating that Duke failed to properly notify complainants of its intent to disconnect the gas service at complainants' part-time residence in Cincinnati, Ohio. Complainants explain that they are permanent residents of Pennsylvania and that they spend a few months of each year in Cincinnati. When complainants arrived at their residence in Cincinnati on November 24, 2010, they discovered that Duke had disconnected the gas service. Complainants allege that the only notice provided by Duke was a note attached to the door knob at their residence in Cincinnati. Complainants maintain that, if they had not decided to travel to Cincinnati when they did, their pipes would have frozen due to the cold temperatures in December 2010. Complainants state that, according to Duke, Duke may disconnect gas service between April 1 and November 22, without an appointment, and that the only notice provided is a note attached to the door knob in advance of the disconnection and another note left when the gas service has actually been disconnected. Complainants seek a determination that Duke should be

required to notify its customers, particularly those who are part-time residents, of its intent to disconnect the gas service, as well as the actual disconnection, by U.S. mail, telephone, or electronic mail.

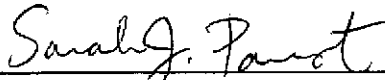
- (2) On March 7, 2011, Duke filed its answer to the complaint and a motion to dismiss the complaint. In its answer, Duke denies all of the allegations contained in the complaint. Duke asserts that complainants have failed to state a claim upon which relief may be granted, have failed to state reasonable grounds for complaint, and have not stated any request for relief. Duke also asserts that it has complied with all applicable rules, regulations, and tariffs. In its motion to dismiss, Duke states that complainants admit that Duke provided advance notice of its intent to disconnect their gas service and, therefore, complainants have failed to set forth reasonable grounds for complaint.
- (3) A settlement conference occurred by telephone on May 27, 2011. After the settlement conference, complainants informed the attorney examiner who presided at the settlement conference that they did not wish to pursue their complaint. Complainants were directed to file correspondence requesting that their complaint be dismissed. To date, the Commission has received no such correspondence.
- (4) Accordingly, the attorney examiner finds that, if complainants wish to proceed with their complaint, they should inform the Commission, in writing, within 30 days of the issuance of this entry. If the Commission receives no response from complainants, this case may be dismissed for lack of prosecution.

It is, therefore,


ORDERED, That, if complainants wish to proceed with their complaint, they inform the Commission in accordance with finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

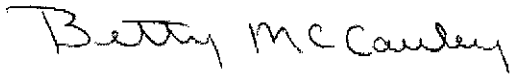


By: Sarah J. Parrot
Attorney Examiner

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Entered in the Journal

SEP 08 2011



Betty McCauley
Secretary