

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 Commission 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.
- (4) On September 8, 2011, after not receiving the requested correspondence, the attorney examiner issued an entry directing complainants to inform the Commission, in writing, within 30 days of the issuance of the entry, if they wished to proceed with their complaint.
- (5) On October 5, 2011, complainants filed correspondence requesting that their complaint be dismissed.
- (6) The Commission finds that complainants' request to dismiss the complaint is reasonable and should be granted.

It is, therefore,


ORDERED, That complainants' request to dismiss the complaint be granted. It is, further,

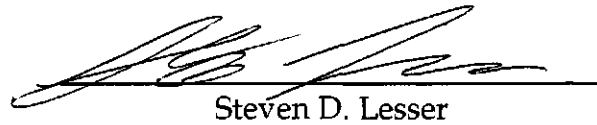
ORDERED, That Case No. 11-834-GA-CSS be dismissed. It is, further,

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

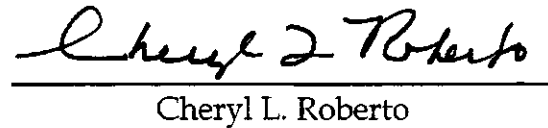
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Paul A. Centolella

  
Steven D. Lesser

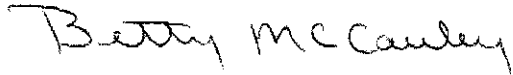
  
Andre T. Porter

  
Cheryl L. Roberto

JML/dah

Entered in the Journal

**Oct 26 2011**

  
Betty McCauley

Betty McCauley  
Secretary