

THE PUBLIC UTILITIES COMMISSION OF OHIO

Respondent.

Case No. 12-1951-GA-CSS

The Commission finds:

- (1) On June 28, 2012, Subs 4 U, LLC, (Subs) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging unfair and unjust billing practices. Subs alleges that it was charged for utility service that it did not use. Therefore, Subs requests relief in the manner of a refund from Duke for the amount overcharged.
- (2) On July 17, 2012, Duke filed its answer, with an amended answer filed by Duke on July 19, 2012.
- (3) On July 25, 2012, the attorney examiner issued an entry scheduling a settlement conference for August 23, 2012. By entry issued on August 14, 2012, Duke's August 6, 2012, Agreed Motion to Reschedule Settlement Conference was granted and the settlement conference was rescheduled for August 21, 2012. On August 16, 2012, Duke filed a notice of pending settlement and requested that the settlement conference scheduled for August 21, 2012, be continued. By entry issued on August 17, 2012, Duke's motion to continue the settlement conference to allow the parties adequate time to continue settlement negotiations was granted.
- (4) On August 23, 2012, the parties filed a joint motion to dismiss this case with prejudice. In the motion, the parties assert that they have settled the matter and resolved all of the issues raised in the complaint.

- (5) In light of the parties' August 23, 2012, motion, the Commission finds that the parties' request to dismiss the complaint, given that they have reached an agreement which resolves the issues raised in the complaint, is reasonable. Accordingly, the motion to dismiss the complaint should be granted.

It is, therefore,

ORDERED, That the parties' motion to dismiss the complaint, with prejudice, is granted. It is, further,

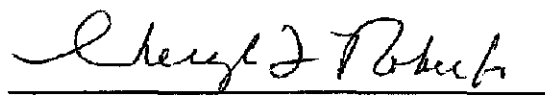
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

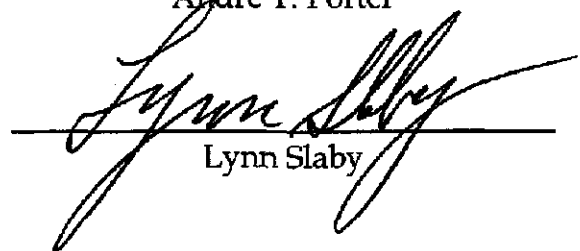
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Todd A. Snitchler, Chairman


Steven D. Lesser


Andre T. Porter

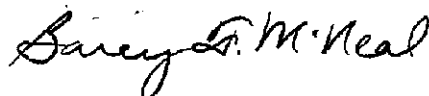

Cheryl L. Roberto


Lynn Slaby

BAM/sc

Entered in the Journal

SEP 05 2012


Barcy F. McNeal

Barcy F. McNeal
Secretary