

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of The)	
Chris Erhart Foundry & Machine Co.,)	
)	
Complainant,)	
)	
v.)	Case No. 12-659-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On February 14, 2012, the Chris Erhart Foundry & Machine Co. (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke) alleging a significant increase in the demand and delivery portions of its electric bill. Specifically, Complainant states that the demand and delivery portions of its electric bill have increased 67 percent from 2011, and that its entire electric bill increased approximately 56 percent from 2011. Complainant further alleges that this increase is the result of four new riders, which went into effect January 3, 2012, with no warning or phase-in period, which Complainant believes will have a negative impact on small businesses. In sum, Complainant contends that the increase caused by the new riders is unreasonable and requests that the Commission further review the implementation of these riders so that relief may be provided.
- (2) On March 5, 2012, Duke filed its answer, in which it denies that there was a 67 percent increase in the demand and delivery portions of Complainant's bill. Duke further asserts that Complainant has failed to set forth reasonable grounds for complaint, and that during all relevant times, Duke has billed Complainant according to all applicable rules, statutes, and tariffs.

- (3) By entry issued September 20, 2012, the attorney examiner scheduled this matter for a settlement conference to commence on October 22, 2012. The parties subsequently filed a joint motion to continue the settlement conference and engaged in significant independent settlement discussions. On November 30, 2012, Duke filed correspondence indicating that settlement discussions have reached an impasse.
- (4) Accordingly, the attorney examiner finds that this matter should be scheduled for hearing at this time. The parties should adhere to the following procedural schedule:
 - (a) All testimony should be filed by January 22, 2013.
 - (b) A hearing will be held on January 29, 2013, at 10:00 a.m. Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (5) As is the case in all Commission complaint proceedings, the complainants have the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189 (1966).

It is, therefore,

ORDERED, That the parties adhere to the procedural schedule set forth in 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

s/Katie Stenman

By: Katie L. Stenman
Attorney Examiner

JRJ/sc

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12/6/2012 2:54:44 PM

in

Case No(s). 12-0659-EL-CSS

Summary: Attorney Examiner Entry ordering the parties to adhere to the procedural schedule set forth in finding (4). - electronically filed by Sandra Coffey on behalf of Katie Stenman, Attorney Examiner, Public Utilities Commission of Ohio