

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )

Keith A. Darby, )

Complainant, )

v. )

Duke Energy Retail, )

Respondent. )

Case No. 12-3030-EL-CSS

ENTRY

The Commission finds:

- (1) On November 19, 2012, Keith A. Darby (Mr. Darby) filed a complaint against Duke Energy Retail (Duke), stating that he had contacted Duke to inquire about "new rates that were available for fixed rate customers" and that he had agreed to a fixed rate of \$.0565/kWh through May 2014. However, Mr. Darby added, upon examining written confirmation of this rate, he discovered that there may be additional charges if the regional transmission organization or a similar entity imposes new or extra charges, and that such cost may be passed on to the consumer. Therefore, Mr. Darby contended, the rate that he agreed to is actually a variable rate and that "this is a bait and switch."
- (2) On December 18, 2012, Duke filed a motion to dismiss the complaint. In the motion, Duke states that the parties have resolved the issues raised in the complaint. Further, observed Duke, under Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.), when a utility files a motion asserting that a complaint has been resolved, the complainant has twenty days to file a written response, and if no response is filed, the Commission may presume that satisfaction has occurred and dismiss the complaint.

- (3) Mr. Darby did not file a response to Duke's motion to dismiss by January 7, 2013. Accordingly, the Commission finds that Duke's motion to dismiss is reasonable and should be granted.

It is, therefore,

ORDERED, That the motion to dismiss Mr. Darby's complaint be granted. It is, further,

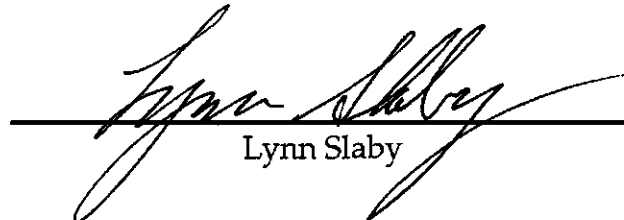
ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Andre T. Porter

  
Lynn Slaby

JML/sc

Entered in the Journal

JAN 23 2013



Barcy F. McNeal  
Secretary