

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Mary A. Lowery,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2949-GA-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On November 13, 2012, Mary A. Lowery filed a formal complaint against Duke Energy Ohio, Inc. (Duke) alleging that Duke unjustly charged her a Percentage of Income Payment Plan (PIPP) reinstatement fee. Ms. Lowery alleges that she should never have been removed from PIPP, therefore, she should not be charged for PIPP reinstatement.
- (2) On December 3, 2012, Duke filed an answer to Ms. Lowery's formal complaint denying the allegations contained in the complaint. Duke also asserted multiple affirmative defenses, including that Ms. Lowery failed to set forth reasonable grounds for complaint, that at all times Duke complied with the Ohio Revised Code and Ohio Administrative Code (O.A.C.), and that Ms. Lowery has not stated any request for relief that can be granted by the Commission. Duke also requested that the case be dismissed for failure to set forth reasonable grounds for the complaint.
- (3) On December 12, 2012, the attorney examiner issued an entry scheduling a settlement conference for January 17, 2013. However, on January 15, 2013, Duke filed a notice of pending settlement and request to cancel settlement conference. The notice indicated that the parties had

agreed to settle all claims and disputes at issue and were in the process of documenting the settlement. On January 16, 2013, the attorney examiner granted the request to cancel the settlement conference.

- (4) On January 25, 2013, Ms. Lowery and Duke filed a joint motion to dismiss the complaint, with prejudice, indicating that they have settled the matter and all issues raised in the complaint have been resolved. The Commission finds that the parties' joint motion to dismiss the complaint, with prejudice, is reasonable and should be granted.

It is, therefore,

ORDERED, That the joint motion to dismiss, with prejudice, is granted, in accordance with finding (4). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser

Andre T. Porter

Lynn Slaby

BAM/sc

Entered in the Journal

FEB 13 2013

Barcy F. McNeal

Barcy F. McNeal
Secretary