

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Ohio Intrastate Energy, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2576-GA-CSS
)	
KNG Energy, Inc.,)	
)	
Respondent.)	
)	

ENTRY

The Commission finds:

- (1) On September 20, 2012, Ohio Intrastate Energy, LLC (OIE) filed a complaint against KNG Energy, Inc. (KNG). In the complaint, OIE alleges that KNG refused to cooperate in the substitution of service by OIE to customers residing in and around the village of Hoytville, as well as areas along the McComb Transmission System.
- (2) On October 11, 2012, KNG filed an answer to OIE's complaint admitting, in part, and denying, in part, the allegations contained in the complaint. KNG also argues that: the complaint fails to state reasonable grounds for complaint; is barred by principles of promissory and collateral estoppel, and by the principle of laches; represents an untimely application for rehearing; the Commission lacks subject matter jurisdiction over this matter; and the complaint requests relief which cannot be granted by the Commission.
- (3) A settlement conference was held on November 8, 2012; however, the parties were unable to resolve the matter. On March 26, 2013, the parties filed a status report on the state of the settlement negotiations. A second settlement conference was held on July 15, 2013; however, the parties remained unable to resolve the matter. Subsequently, a joint

prehearing conference was scheduled for August 29, 2013, in this case and in *In re KNG Energy, Inc. v. Ohio Intrastate Energy, LLC*, Case No. 12-2758-GA-CSS.

- (4) On August 28, 2013, OIE filed a request for voluntary dismissal, without prejudice, of its complaint filed in this proceeding.
- (5) The Commission finds that the request by OIE to dismiss this case, without prejudice, is reasonable and should be granted.

It is, therefore,

ORDERED, That OIE's request to dismiss the complaint, without prejudice, be granted. It is, further,

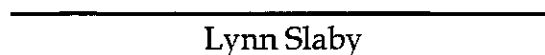
ORDERED, That Case No. 12-2576-GA-CSS be dismissed without prejudice. It is, further,

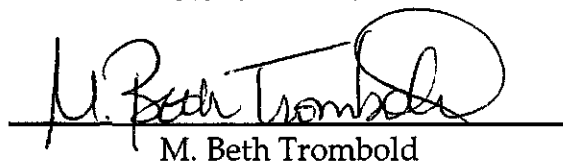
ORDERED, That a copy of this Entry be served upon all parties of record.

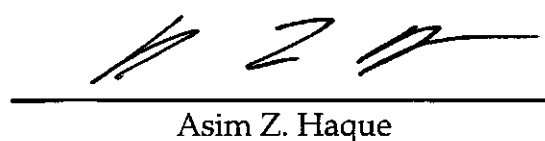
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby

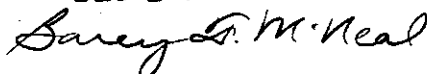

M. Beth Trombold


Asim Z. Haque

BAM/sc

Entered in the Journal

DEC 11 2013



Barcy F. McNeal
Secretary