

THE PUBLIC UTILITIES COMMISSION OF OHIO

ENTRY

- (1) On April 10, 2013, Mohammed A. Hassan (Complainant) and MK Supermarket filed a complaint against Aqua Ohio, Inc. (Aqua) concerning an unusually high water bill. The Complainant believes that the billing is the result of a faulty meter. For relief, the Complainant requested a refund.
- (2) Aqua filed an answer to the complaint on May 1, 2013. Aqua denied all material allegations in the complaint.
- (3) In an entry issued on May 9, 2013, the attorney examiner scheduled a settlement conference for June 11, 2013. At the settlement conference, the parties were unable to resolve the issues raised by the complaint.
- (4) By entry issued September 20, 2013, the attorney examiner instructed the Complainant to file an amended complaint on or before October 11, 2013. The attorney examiner explained that the complaint contained certain defects that needed to be cured before the matter could proceed to hearing. The attorney examiner noted that the complaint was signed by someone other than the Complainant. In addition, the complaint caption refers to MK Supermarket, an entity that is not shown to have an interest in the complaint. The Complainant did not file an amended complaint.
- (5) On October 30, 2013, the attorney examiner directed the Complainant to file an amended complaint by November 13, 2013. The attorney examiner warned the Complainant that failure to

amend the complaint within the allotted time would result in a recommendation that the complaint be dismissed for lack of prosecution.

- (6) The complaint shall be dismissed. The attorney examiner warned the Complainant that failure to amend the complaint could lead to the dismissal of the complaint. To date, the Complainant has not filed an amended complaint. Because the defects of the complaint bar this matter from proceeding to hearing and because the Complainant has failed in two opportunities to cure the defects in the complaint, the complaint should be dismissed for lack of prosecution.

It is, therefore,


ORDERED, That, in accordance with finding (6), the complaint be dismissed without prejudice. It is, further,

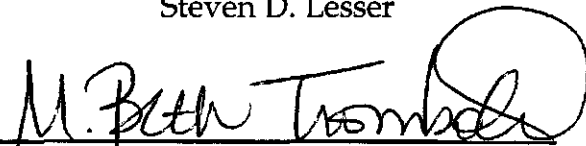
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Lynn Slaby

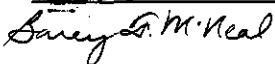

M. Beth Trombold


Asim Z. Haque

LDJ/vrm

Entered in the Journal

DEC 18 2013



Barcy F. McNeal
Secretary