

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Lyssa)	
Holder and Brandon Zehfus,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1552-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On July 1, 2013, Lyssa Holder and Brandon Zehfus filed a complaint with the Commission against Duke Energy Ohio, Inc. (Duke Energy or company) alleging that the company improperly charged them for electric usage at their residence.
- (2) Duke Energy filed an answer on July 18, 2013, denying the allegations in the complaint.
- (3) By entry issued August 6, 2013, this matter was scheduled for a settlement conference on September 10, 2013. At the settlement conference, the parties seemed to reach an agreement and settle the complaint.
- (4) On October 15, 2013, complainant Lyssa Holder contacted the Commission and indicated that the settlement documents, which she had received from Duke Energy, did not accurately reflect the parties' settlement agreement.
- (5) Accordingly, a second settlement was scheduled to take place telephonically in this matter on October 18, 2013. At the scheduled time, Duke Energy called in on the pre-arranged telephone number for the settlement conference. However, neither complainant called in to participate in the conference. On October 16 and 18, 2013, complainant Lyssa Holder indicated to the attorney examiner via e-mail that she did not have enough notice of the conference and could not leave work

to place a call into the pre-arranged conference telephone number.

- (6) This matter then was re-scheduled for the second settlement conference on November 12, 2013. On November 12, 2013, prior to the conference, complainant Lyssa Holder contacted the attorney examiner via e-mail stating that she had lost her voice through an illness and could not use the telephone to participate in the conference. At the scheduled time, Duke Energy called in once more for the conference, but neither complainant called the pre-arranged telephone number to participate in the conference.
- (7) By entry dated November 20, 2013, the second settlement conference in this matter was re-scheduled to take place on December 11, 2013. In the entry rescheduling the conference, the complainants were advised that failure to participate in the conference might result in a recommendation to the Commission to dismiss their complaint for lack of prosecution.
- (8) At the time of the December 11, 2013 settlement conference, Duke Energy called in yet again to take part in the conference. The complainants did not call in for the conference.
- (9) On December 30, 2013, Duke Energy filed a motion to dismiss the complaint. In the memorandum in support of the motion, Duke Energy stated that the complaint was settled at the first settlement conference on September 10, 2013. However, the complainants failed to return the settlement documents that the company sent to them. Duke Energy also noted both the number of times a second settlement conference has been scheduled in this matter and the fact that the complainants were advised of the possible dismissal of their complaint for lack of prosecution. Further, Duke Energy urged the Commission to dismiss the complaint because of the complainants' failure to prosecute.
- (10) In view of the number of times this case has been scheduled for a second settlement conference, and the complainants' failure to participate in that conference, the Commission finds that the case should be dismissed and closed as a matter of record.

It is, therefore,

ORDERED, That Duke Energy's motion to dismiss be granted. It is, further,

ORDERED, That Case No. 13-1552-EL-CSS be dismissed and closed of record. It is, further,

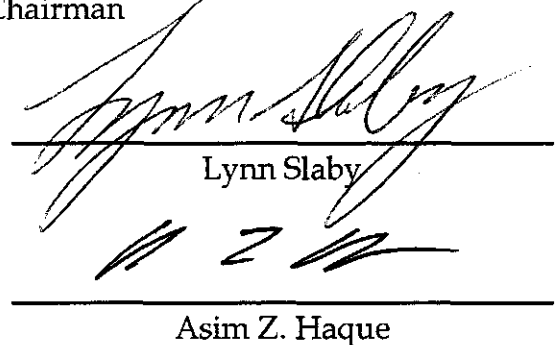
ORDERED, That a copy of this entry be served upon each party of record.

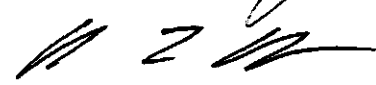
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


M. Beth Trombold

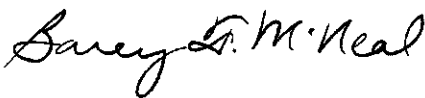

Lynn Slaby


Asim Z. Haque

KKS/vrm

Entered in the Journal

JAN 22 2014


Barcy F. McNeal

Barcy F. McNeal
Secretary