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| to: | PUCO Docketing Desk |
| from: | Julie / Don Lane, Esq. |
| date: | September 14, 2015 |
| reference: | Case No.: 15-298-GE-CSS |
| fax number: | 614/466-0313 |

Dear Clerk –

Please accept the attached Motion for Continuance for fax filing with the Public Utilities Commission of Ohio. Thank you in advance for your assistance with this. Please do not hesitate to contact me should you have any questions or concerns.

Julie Denzler
Droder & Miller

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|------------------------|
| In the Matter of Complaint of Jeffrey Pitzer |) | |
| |) | |
| Complainant |) | |
| |) | Case No. 15-298-GE-CSS |
| v. |) | |
| |) | |
| Duke Energy Ohio, Inc. |) | |
| |) | |
| Respondent |) | |

COMPLAINANT, JEFFREY PITZER'S, MOTION FOR CONTINUANCE

Pursuant to OAC 4901-1-13(A), Complainant, Jeffrey Pitzer, moves for an order continuing the hearing of this matter, currently scheduled for October 7 and 8, 2015. A memorandum in support of this motion is set forth below.

Memorandum

As the Attorney Examiner is aware, this matter involves the disconnection of utility services by Respondent, Duke Energy Ohio, Inc. ("Duke"). The disconnection occurred at a residence owned by Dorothy Easterling and also occupied by her disabled son, Estill Easterling III and resulted in their deaths due to hypothermia. Mrs. Easterling and Mr. Easterling were the mother-in-law and brother-in-law, respectively, of Mr. Pitzer.

After some initial procedural disputes¹, Duke responded to only some of the discovery served on him by Mr. Pitzer. Thereafter, Mr. Pitzer filed a motion to compel to obtain additional information, after attempting to resolve issues with Duke. The PUCO docketed this motion to compel on August 28, 2015. In addition, on September 10, 2015, Mr. Pitzer provided Duke with a confidentiality agreement that Duke said it would require in order to produce account-related

¹ Initially, Duke refused to respond to any discovery. Thereafter, Mr. Pitzer and Duke attempted to negotiate a resolution of some preliminary matters, which resulted in the July 14, 2015 order by the Attorney Examiner, requiring Duke to respond to written discovery propounded by Mr. Pitzer.

information to Mr. Pitzer, Mrs. Easterling's personal representative². Despite this fact, to date, Duke has failed to provide this confidential information.

In light of the fact that a substantial amount of the discovery served by Mr. Pitzer is outstanding and subject to a discovery motion or Duke's failure to produce additional documents, Mr. Pitzer is being severely prejudiced in his attempts to prepare for the upcoming hearing. Even assuming that the Attorney Examiner grants Mr. Pitzer's motion, in whole or in part, Duke has not demonstrated that it will timely comply with the Attorney Examiner's order. As such, Mr. Pitzer does not expect to receive and review the additional information in time for the hearing scheduled in the very near future. Additionally, Mr. Pitzer assumes that the Attorney Examiner and all parties are interested in a full and fair hearing that includes consideration of all relevant evidence.

Mr. Pitzer also notes that Intervenor, the Ohio Consumer's Counsel ("OCC"), has also served discovery on Duke, to which Duke has largely failed to respond. The information OCC has requested is likewise material to a full consideration of the disconnection issues in dispute.

For the above stated reasons, Mr. Pitzer respectfully requests a continuation of the currently scheduled hearing.

Respectfully submitted,

DRODER & MILLER CO., L.P.A.

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² Duke ostensibly required this confidentiality agreement because Mrs. Easterling was not the actual account holder at the time of her death. Although Mr. Pitzer executed the confidentiality agreement to obtain the documents, his disagrees with Duke's position in two respects: First, since Mrs. Easterling continued to pay for services with Duke's acquiescence, she most certainly was a "customer" within the meaning of OAC 4901:1-18-01(G). Further, Mrs. Easterling was also a "consumer" under OAC 4901:1-18-01(F), to which the "winter rules" in dispute apply.

CERTIFICATE OF SERVICE

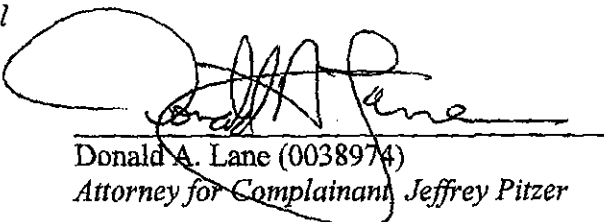
I hereby certify that a copy of the foregoing has been served upon the following by electronic mail this 14th day of September, 2015:

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