

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The attorney examiner finds:

- (1) On February 11, 2015, Gail Lykins, acting as the personal representative of Dorothy Easterling and Estill Easterling (jointly, Easterlings), who are deceased, filed a complaint against Duke Energy Ohio, Inc. (Duke or the Company). Ms. Lykins asserts that, on November 4, 2011, Duke disconnected the Easterlings' gas and electric services at 11312 Orchard Street, Cincinnati, Ohio. Ms. Lykins further asserts that, as a result of the disconnection, the Easterlings died of hypothermia. Ms. Lykins alleges that Duke's disconnection of the Easterlings' gas and electric services, due to nonpayment, was improper under the special procedures that apply during the winter heating season.
- (2) On February 27, 2015, Duke filed an answer to the complaint, generally denying the material allegations of the complaint and asserting a number of affirmative defenses.
- (3) A settlement conference was held on April 16, 2015. However, the parties were unable to resolve this matter.
- (4) By Entry dated April 29, 2015, a hearing was scheduled to commence on August 25, 2015.

- (5) On July 10, 2015, the attorney examiner granted a motion to amend the complaint to substitute Jeffrey Pitzer in place of Ms. Lykins as the personal representative of the estates of the Easterlings. The attorney examiner also rescheduled the hearing to commence on October 7, 2015, at the request of Mr. Pitzer and Duke.
- (6) On September 14, 2015, Mr. Pitzer filed a motion requesting a continuance of the hearing date. In support of the motion, Mr. Pitzer notes that there are a considerable number of outstanding discovery requests, some of which are the subject of a pending motion to compel. Mr. Pitzer further notes that, even if his motion to compel is granted, he does not expect to have sufficient time to receive and review the additional information in advance of the current hearing date.
- (7) On September 17, 2015, Duke filed a memorandum contra the motion for continuance. Duke argues that good cause for a continuance has not been demonstrated and that the Company should not be exposed to further delay. Duke also requests that the motion for continuance be addressed on an expedited basis. Noting that its testimony must be filed seven days in advance of the hearing, Duke asserts that it may be prejudiced if the Company files its testimony and the hearing is subsequently postponed.
- (8) The attorney examiner finds that Mr. Pitzer's motion for continuance is reasonable and should be granted, in order to afford the parties additional time to complete the discovery process. Accordingly, the hearing should be continued to a date to be established by subsequent entry.

It is, therefore,

ORDERED, That the motion for continuance filed on September 14, 2015, be granted. It is, further,

ORDERED, That the hearing scheduled for October 7, 2015, be continued to a date to be established by subsequent entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 15-0298-GE-CSS

Summary: Attorney Examiner Entry granting motion for continuance filed on 9/14/2015 and continuing the hearing scheduled for 10/07/2015 to a date established by subsequent entry. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio