

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ron)	
Jackson,)	
)	
Complainant,)	
)	
v.)	Case No. 15-1517-EL-CSS
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 27, 2015, Complainant, Ron Jackson, filed a complaint against Respondent, Duke Energy Ohio, Inc. (Duke), alleging that Respondent's transmission line is being maintained in a way that extends beyond the bounds of an existing utility easement and, as such, encroaches illegally onto Complainant's property.
- (2) On September 14, 2015, Duke filed its answer, in which it denies all of the allegations of the complaint and raises several affirmative defenses. Duke asserts that it has complied with all Commission rules and Ohio law in regards to the right of way in front of Complainant's property at the address identified in the complaint. Further, Duke claims that it has the right to construct, operate and maintain its public utility facilities upon public road right of way under Ohio law.
- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits

either party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for December 8, 2015, at 10:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public. Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on December 8 , 2015, at 10:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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

/s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-1517-EL-CSS

Summary: Attorney Examiner Entry ordering that a settlement conference be held on December 8 , 2015, at 10:00 a.m. in Conference Room 1247 of the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215 - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.