

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Jeffrey Pitzer,)	
)	
Complainant,)	
)	
v.)	Case No. 15-298-GE-CSS
)	
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). 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) On July 10, 2015, the attorney examiner granted a motion to amend the complaint to substitute Jeffrey Pitzer (Complainant) in place of Ms. Lykins as the personal representative of the estates of the Easterlings.

- (5) On November 10, 2015, a prehearing conference was held to address a number of outstanding procedural matters, including Complainant's second and third motions to compel discovery filed on August 28, 2015, and November 3, 2015, respectively, as well as Complainant's second motion to amend the complaint, which was filed on October 22, 2015.
- (6) At the prehearing conference, the attorney examiner granted Complainant's second motion to amend the complaint and directed Duke to file an answer to the amended complaint within 20 days. The attorney examiner also noted that the hearing in this matter, which was scheduled to commence on December 2, 2015, would be continued to a date to be established by subsequent entry, in light of the amended complaint, and to afford the parties additional time to complete the discovery process.
- (7) Accordingly, the attorney examiner finds that the following procedural schedule should be established:
 - (a) The parties shall file, by December 23, 2015, a list of witnesses expected to provide expert or factual testimony at the hearing and the subject matter of their testimony.
 - (b) All expert testimony to be offered by the parties shall be filed by December 30, 2015.
 - (c) The hearing shall commence on January 14, 2016, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (7) be adopted. 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 setting forth a procedural schedule in accordance with Finding (7). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio