

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CITIZENS AGAINST CLEAR CUTTING, ET
AL.,**

COMPLAINANTS,

v.

CASE NO. 17-2344-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on March 14, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} On November 14, 2017, Citizens Against Clear Cutting (Complainants) filed a complaint against Duke. On November 22, 2017, Complainants filed an amended complaint and on January 5, 2018, Complainants filed a second amended complaint. Duke filed its answer to the second amended complaint on January 25, 2018.

{¶ 4} On November 21, 2017, Duke filed an application for review and interlocutory appeal of the attorney examiner's Entry granting Complainants' motion to stay, pursuant to Ohio Adm.Code 4901-1-15. On November 27, 2017, Complainants filed a memorandum contra to Duke's application for review and interlocutory appeal, pursuant to Ohio Adm.Code 4901-1-15(D). On March 7, 2018, the attorney examiner certified Duke's interlocutory appeal to the Commission.

{¶ 5} On March 8, 2018, the Commission issued an Entry denying Duke's interlocutory appeal, granting Duke's motion to dismiss with regard to certain individuals, and sua sponte dismissing certain claims raised by Complainants as they fell outside of the Commission's jurisdiction. The Entry also directed the attorney examiner to schedule a prehearing conference so the parties can work together with the assistance of a Legal Department mediator to modify the scope of the stay during the pendency of this proceeding and allow Duke to ensure reliable service to its customers without prejudicing the Complainants.

{¶ 6} Consequently, the attorney examiner schedules a prehearing conference in accordance to the Commission's directive on March 22, 2018, at 1:00 p.m. at the Commission offices, 180 East Broad Street, 12th Floor, Conference Room 1247, Columbus, Ohio 43215.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a prehearing conference be scheduled in accordance to paragraph 6 above. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

jrj/vrm

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in

Case No(s). 17-2344-EL-CSS

Summary: Attorney Examiner Entry scheduling a prehearing conference for March 22, 2018, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio