

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Mark G. Siegel,	)	
	)	
Complainant,	)	
v.	)	Case No. 07-195-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The Attorney Examiner, in carrying out the authority granted by Rule 4901-1-14, Ohio Administrative Code (O.A.C.), finds:

- (1) On February 26, 2007, Mark G. Siegel (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke Energy or Respondent) alleging that his residence at 9500 Holly Hill, Cincinnati, Ohio 45243 was without power from 4:00 p.m. on February 13, 2007, until 1:00 a.m. on February 17, 2007. Mr. Siegel states that approximately 21 calls were made to Duke Energy informing the company of the lack of power at his residence. Mr. Siegel asserts that Duke Energy's response was unreasonable and inadequate; the duration of the power loss was excessive; and he lost of food and incurred expenses directly related to this power outage.
- (2) Duke Energy filed an answer to this complaint, on March 13, 2007. In its answer, Duke Energy admits, among other things, that beginning on or about February 13, 2007, Mr. Siegel's residence suffered a power loss. Duke Energy asserts that this power loss was due to a severe level 4 winter storm, which caused wide spread system outages and approximately 300,000 consumer interruptions in the Midwest. Duke Energy denies, among other things, that Mr. Siegel was without power continuously for a period of 79 hours. Last, Duke Energy moves to dismiss this complaint for failure to set forth reasonable grounds for complaint.

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- (3) In accordance with the Commission's goal of reducing the number of adversarial proceedings before it, 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. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner from the Commission's legal department will facilitate the settlement process. The parties should bring with them all documents relevant to this matter.
- (4) In the event that a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues at the conclusion of the settlement conference. Procedural issues for discussion may include discovery dates, possible stipulation of facts, and potential hearing dates.
- (5) Accordingly, this case should be scheduled for a prehearing settlement conference on Thursday, April 26, 2007, to begin at 1:00 p.m., in Hearing Room 11-G, on the 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. If the complainant has any questions concerning the prehearing settlement conference, or if either party needs to reschedule the settlement conference, they may contact Scott Farkas at 614-466-8057.

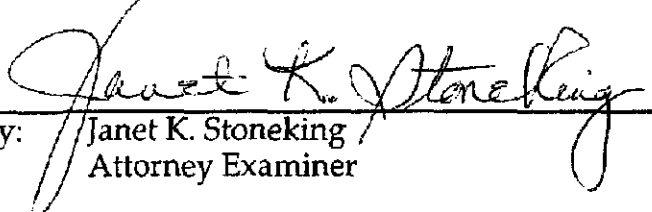
It is, therefore,


ORDERED, That this matter is scheduled for a settlement conference in accordance with Finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By:

  
Janet K. Stoneking  
Attorney Examiner

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Entered in the Journal

APR 13 2007



Renee J. Jenkins  
Secretary