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PUCO

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139 East Fourth Street, R. 25 At II  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
Tel: 513-287-4326  
Fax: 513-287-3810  
[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

Rocco O. D'Ascenzo  
Counsel

**VIA OVERNIGHT MAIL**

June 21, 2007

Public Utilities Commission of Ohio  
Docketing Division  
13<sup>th</sup> Floor  
180 East Broad Street  
Columbus, OH 43215-3716

RE: In the Matter of the Complaint of:  
James Masfi – PUCO Case No. 06-1154-EL-CSS

Dear Sir or Madam:

Enclosed please find an original and 12 copies of the Joint Motion to Dismiss with Prejudice of Complainant James Masfi and Respondent Duke Energy Ohio, Inc. in the above-referenced case.

Please return two (2) file-stamped copies of the filing to me in the overnight mail envelope provided.

If you have any questions, please feel free to contact me at (513) 287-4326.

Sincerely,



Rocco O. D'Ascenzo.  
Counsel

ROD/sew  
Enclosures

cc: Mr. James Masfi

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Technician 2 Date Processed 6.22.07

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of	)	
James Masfi	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 06-1154-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

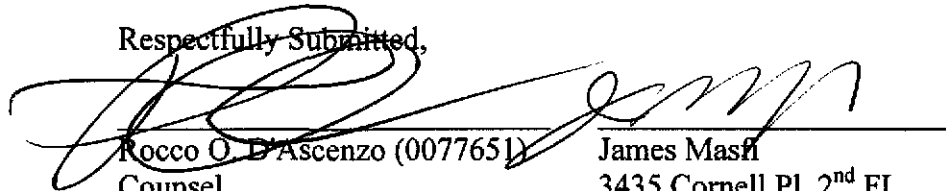
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**JOINT MOTION TO DISMISS WITH PREJUDICE**

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Now comes Respondent, Duke Energy Ohio, Inc., (DE-Ohio) and Complainant James Masfi, and hereby respectfully requests that this Commission dismiss the above styled complaint *with prejudice*. The dispute has been resolved and settled to the satisfaction of the parties.

Respectfully Submitted,


  
Rocco O. D'Ascenzo (0077651)  
Counsel  
Duke Energy Ohio, Inc  
139 East Fourth Street  
Rm 2500 Atrium II  
P.O. Box 960  
Cincinnati, OH 45201-0960  
tel: (513) 287-4326  
fax: (513) 287-3810

James Masfi  
3435 Cornell Pl, 2<sup>nd</sup> FL,  
Cincinnati OH 45220

## MEMORANDUM IN SUPPORT

The parties have resolved all issues raised in the above styled complaint and reached a settlement that is to the satisfaction of both parties. Therefore, Complainant James Masfi and Respondent DE-Ohio respectfully requests this Commission dismiss the above captioned case.

Respectfully Submitted,

  
Rocco O. D'Ascenzo (0077651)

Counsel

Duke Energy Ohio, Inc

139 East Fourth Street

Rm 2500 Atrium II

P.O. Box 960

Cincinnati, OH 45201-0960

tel: (513) 287-4326

fax: (513) 287-3810

  
James Masfi

3435 Cornell Pl, 2<sup>nd</sup> FL,

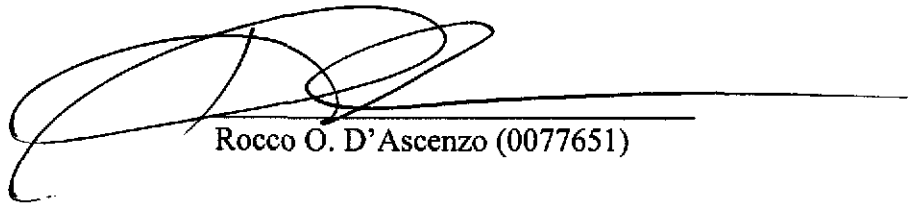
Cincinnati OH 45220

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Dismiss, was served on the following by first class U.S. mail, postage prepaid, on this 21 day of June, 2007.

James Masfi  
3435 Cornell Pl, 2<sup>nd</sup> FL,  
Cincinnati OH 45220



Rocco O. D'Ascenzo (0077651)