

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James )  
Drury, )  
 )  
Complainant, )  
 )  
v. ) Case No. 09-31-EL-CSS  
 )  
Duke Energy Ohio, Inc., )  
 )  
Respondent. )

ENTRY

The attorney examiner finds:

- (1) On January 14, 2009, James Drury filed a complaint with the Commission against Duke Energy Ohio, Inc. (Duke, company). In the complaint, Mr. Drury alleged that he was overbilled for electric usage by Duke.
- (2) On February 3, 2009, Duke filed an answer denying the allegations in the complaint.
- (3) A settlement conference was scheduled in the case on April 24, 2009, in an attempt to resolve the matter informally.
- (4) On April 23, 2009, the Attorney Examiner contacted Mr. Drury's wife at the telephone number listed in the complaint. Ms. Drury indicated that Mr. Drury had to work and would not attend a settlement conference.
- (5) On April 24, 2009, the conference room was opened, and the attorney examiner and the company remained on call to attend the conference. The complainant, however, did not appear and the conference was not convened.
- (6) A hearing in this matter should now be scheduled to begin at 10:00 a.m. on July 1, 2009, in the offices of the Commission, hearing room 11-G, 180 East Broad Street, Columbus, Ohio 43215-3793. Further, it appears that reasonable grounds for complaint have been presented.

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- (7) In Commission proceedings, the complainant has the burden of proving the allegations in the complaint. Thus, at hearing, it shall be the complainant's responsibility to appear and be prepared to present evidence in support of the complaint.

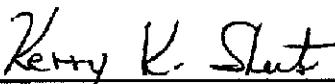
It is, therefore,

ORDERED, That a hearing in this matter be scheduled for July 1, 2009, at 10:00 a.m., in Hearing Room 11-G, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That the terms of this entry be observed. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

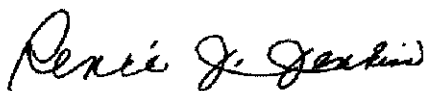
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Kerry K. Sheets  
Attorney Examiner

*grf*  
/vrm

Entered in the Journal

MAY 14 2009



Renee J. Jenkins  
Secretary