

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Nexus	)	
Realty Tenant Association and Raymond C.	)	
Frye, Jr.,	)	
	)	
Complainants,	)	
	)	Case No. 09-69-GE-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) By entry of May 7, 2009, this matter was scheduled for hearing on July 23, 2009, and parties were directed to file direct testimony by July 16, 2009.
- (2) By letter dated June 29, 2009, counsel for Nexus Realty Tenant Association (Nexus) indicated that she and counsel for the receiver Raymond C. Frye have reached a likely settlement agreement with Duke Energy Ohio, Inc. As a result, she requested that all outstanding written discovery requests be stayed and that the hearing be continued. In addition, counsel noted that there are no objections by any party to a continuance or a stay of the proceedings pending settlement.
- (3) Rule 4901-1-13, Ohio Administrative Code, provides that continuances of public hearings may be granted upon motion of any party for good cause shown.
- (4) The attorney examiner finds good cause to continue the hearing and stay all outstanding written discovery requests. Accordingly, all outstanding written discovery requests should be stayed, the July 23, 2009, hearing should be continued, and the date for filing direct testimony should be continued. In the event the parties are unable to reach a settlement in this case, a new hearing date will be established by subsequent entry.

It is, therefore,

ORDERED, That the July 23, 2009, hearing be continued, that all outstanding written discovery requests be stayed, and the date for filing direct testimony be continued. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Scott Farkas  
Attorney Examiner

grg  
/ct

Entered in the Journal

JUN 30 2009



Renee J. Jenkins  
Secretary