

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Tara Steele,)	
)	
Complainant,)	
)	
v.)	Case No. 08-1059-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) A hearing was originally scheduled in this matter on March 24, 2009. Thereafter, the respondent, Duke Energy Ohio, Inc. (Duke, company) filed a motion to continue the hearing because of a schedule conflict experienced by the company. Duke's motion was granted by entry dated March 19, 2009, and the hearing was continued to April 29, 2009.
- (2) Thereafter, because Tara Steele (complainant) was unable to attend a scheduled deposition in the case, Duke filed a motion for a second continuance of the hearing. Duke's motion was granted by entry dated June 10, 2009, and the hearing was re-scheduled on June 24, 2009. Notice of the new hearing date, however, was returned to the Commission via the U.S. mail.
- (3) Prior to rescheduling the hearing, the attorney examiner contacted the complainant and informed her of the June 24, 2009, hearing date.
- (4) A hearing was convened on June 24, 2009. Duke attended the hearing, but the complainant did not appear for the proceeding. At the hearing, Duke moved to dismiss the complaint for failure to prosecute.
- (5) Upon review of the circumstances of this proceeding, the attorney examiner observes that the complainant may be unaware that failure to attend the scheduled hearing might

result in dismissal of the complaint for failure to prosecute. Duke's motion, therefore, shall be held in abeyance at this time.

- (6) The complainant may avail herself of one of two options: either (a) respond in writing to the attorney examiner by July 24, 2009, with regard to whether or not she will proceed to hearing with her complaint, or (b) do nothing by the close of business on July 24, 2009, and the attorney examiner will recommend that this case be dismissed.

It is, therefore,

ORDERED, That, in accordance with Finding (5), Duke's motion to dismiss shall be held in abeyance. It is, further,

ORDERED, That the above findings 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

Kerry K. Sheets
By: Kerry K. Sheets
Attorney Examiner

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/vrm

Entered in the Journal

JUL 16 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary