

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of:

•

James Drury,

•

Complainant,

•

VS.

•

Case No. 09-31-EL-CSS

Duke Energy Ohio,

•

Respondent .

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— — —

## PROCEEDINGS

before Mr. Kerry K. Sheets, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-G, Columbus, Ohio, called at 10:00 a.m. on Wednesday, July 1, 2009.

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ARMSTRONG & OKEY, INC.

222 East Town Street, Second Floor

Columbus, Ohio 43215-5201

(614) 224-9481 - (800) 223-9481

Fax - (614) 224-5724

— — —

1 APPEARANCES:

2 Duke Energy  
3 By Elizabeth H. Watts  
4 155 East Broad Street, 21st Floor  
5 Columbus, Ohio 43215

6 On behalf of Duke Energy Ohio.

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1                               Wednesday Morning Session,  
2                               July 1, 2009.

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4                               THE HEARING EXAMINER: The Commission has  
5 set for hearing at this time and place case  
6 No. 09-31-EL-CSS in the matter of James Drury versus  
7 Duke Energy Ohio.

8                               My name is Kerry Sheets. I am an  
9 attorney examiner for the Commission and I have been  
10 assigned to hear this case.

11                              May I have the appearances of the  
12 parties, please.

13                              MS. WATTS: Yes, your Honor. On behalf  
14 of the Duke Energy Ohio, Elizabeth H. Watts, 155 East  
15 Broad Street, 21st Floor, Columbus, Ohio.

16                              THE HEARING EXAMINER: All right. Let  
17 the record show there are no other parties in the  
18 hearing room. At this time we will take a recess at  
19 this point.

20                              (Recess taken.)

21                              THE HEARING EXAMINER: Let the record  
22 show that there are no other parties in the hearing  
23 room at this time.

24                              You have a motion to make?

25                              MS. WATTS: Yes, your Honor. In light of

1 the fact that the Complainant in this case failed to  
2 appear for the prehearing and also failed to appear  
3 for the hearing, Duke Energy Ohio would move to  
4 dismiss this case for lack of prosecution.

5 THE HEARING EXAMINER: Very good. I will  
6 take that motion under consideration, and at this  
7 time I consider this case submitted.

8 Thank you all for coming.

9 MS. WATTS: Thank you.

10 (The hearing adjourned at 10:31 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Wednesday, July 1, 2009, and carefully compared with my original stenographic notes.

\_s/Rosemary Foster Anderson\_\_\_\_\_  
Rosemary Foster Anderson,  
Professional Reporter and  
Notary Public in and for  
the State of Ohio.

My commission expires April 5, 2009.

(RFA-8309)

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**in**

**Case No(s). 09-0031-EL-CSS**

Summary: Transcript James Drury/Duke Energy 7/1/09 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.