

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 Commission finds:

- (1) On January 14, 2009, James Drury (complainant) filed a complaint stating that he was overbilled for electric usage by Duke Energy Ohio, Inc. (Duke) and that his electric usage estimates for July and August 2008 were false.
- (2) On February 3, 2009, Duke filed an answer denying the allegations in the complaint.
- (3) A hearing was convened in this matter on July 1, 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.
- (4) Subsequently, on July 21, 2009, Duke filed a motion to dismiss the complaint. In the memorandum in support of the motion, Duke stated that the complainant and Duke have reached an accommodation. Citing Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.), Duke stated that this matter has been resolved to the complainant's satisfaction and should be dismissed.
- (5) Rule 4901-9-01(F), O.A.C., provides that, if the public utility complained against files an answer or motion which asserts that the complaint has been satisfied and no response is filed within 20 days, the Commission may presume that satisfaction has occurred and dismiss the complaint. No response to

Duke's motion has been filed. Accordingly, pursuant to Rule 4901-9-01(F), O.A.C., the Commission finds that this case should be dismissed.

It is, therefore,

ORDERED, That this case be dismissed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Paul A. Centolella

Ronda Hartman Fergus

Valerie A. Lemmie

Cheryl L. Roberto

KKS/vrm

Entered in the Journal
AUG 12 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary