

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Glenn A.)	
Ray,)	
)	
Complainant,)	
)	
v.)	Case No. 09-874-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 30, 2009, Glenn A. Ray (complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that, during a planned electric outage by his condominium association, Duke discovered an unsafe utility pole, which required replacement before power could be restored, resulting in a power outage of approximately 18.5 hours. Specifically, complainant requests reimbursement for perishable food items lost during the outage.
- (2) On October 20, 2009, Duke filed its answer to the complaint, denying the allegations in the complaint, and stating that Duke has not violated any rule, regulation, or tariff provision. Duke also requests that the complaint be dismissed as the complainant has failed to set forth reasonable grounds for the complaint.
- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However,

nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.


- (4) Accordingly, a settlement conference shall be scheduled for December 14, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Legal Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a settlement conference be scheduled for December 14, 2009, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Legal Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Katie L. Stenman
Attorney Examiner

/dah

Entered in the Journal

NOV 18 2009



Renee J. Jenkins
Secretary