

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Judith E. Hanthorn,)	
)	
Complainant,)	
)	Case No. 06-910-EL-CSS
v.)	
)	
Ohio Power Company,)	
)	
Respondent.)	

FINDING AND ORDER

The Commission finds:

- (1) On July 17, 2006, Judith E. Hanthorn filed a complaint against Ohio Power Company (Ohio Power). In the complaint, the Complainant alleged that Ohio Power failed to properly repair equipment damaged in an ice storm on January 5, 2005, resulting in damage to her household appliances.
- (2) On August 7, 2006, Ohio Power filed its answer, in which it generally denied the allegations of the complaint. Ohio Power also filed a motion to dismiss the same day, arguing that the complaint fails to set forth reasonable grounds for complaint and further fails to allege facts upon which the Commission can grant relief.
- (3) By entry dated February 15, 2007, the attorney examiner scheduled a prehearing conference in this case for March 15, 2007. However, the Complainant did not attend or otherwise participate in the prehearing conference.
- (4) By entry dated September 4, 2007, the attorney examiner rescheduled the prehearing conference for October 18, 2007. The Complainant also did not attend or otherwise participate in the rescheduled prehearing conference.
- (5) A service notice, which listed that the Complainant was served with the entry scheduling the March 15, 2007 prehearing

conference at her street address in Harrod, Ohio, was filed on February 15, 2007. A second service notice, indicating that the Complainant was served with the entry scheduling the October 18, 2007 prehearing conference at the same address, was filed on September 4, 2007. An inquiry to the Commission's Docketing Department revealed that neither the February 15, 2007 entry nor the September 4, 2007 entry was included in mail returned to the Commission. Further, the inquiry revealed that, had service of either scheduling entry been returned, the return would be indicated on the service notice. No such indication appears on either service notice for the prehearing conferences.

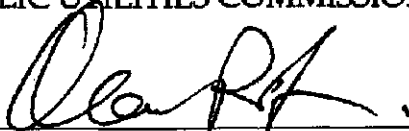
- (6) To date, the attorney examiner has not been contacted by the Complainant for any reason, nor has he received any explanation from the Complainant regarding the Complainant's failure to attend the March 15, 2007 and September 4, 2007 prehearing conferences.
- (7) The Commission finds that this case should be dismissed, without prejudice, for lack of prosecution.

It is, therefore,

ORDERED, That Case No. 06-910-EL-CSS be dismissed, without prejudice, for lack of prosecution. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



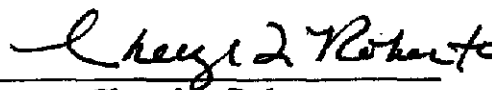
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



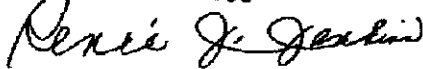
Cheryl L. Roberto

Valerie A. Lemmie

HPG:ct

Entered in the Journal

~~DEC 02 2009~~



Renee J. Jenkins
Secretary