

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 Commission 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) By Entry dated November 18, 2009, the attorney examiner scheduled this matter for a settlement conference to be held on December 14, 2009. The complainant did not appear at the settlement conference.
- (4) After the scheduled conference, complainant was contacted by telephone, at which time he stated that he did not wish to pursue his complaint. Complainant was directed to file correspondence requesting that his complaint be dismissed.

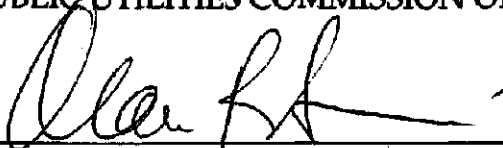
- (5) On January 4, 2010, after not receiving the requested correspondence, the attorney examiner issued an entry directing the complainant to inform the Commission, in writing, if he wished to proceed with his complaint, within 10 days of the issuance of the entry. The entry further stated that if the Commission received no response from the complainant, the attorney examiner would recommend that the Commission dismiss the case for lack of prosecution.
- (6) To date, complainant has neither filed anything with the Commission indicating his intent to proceed with his complaint nor correspondence requesting that his complaint be dismissed. Accordingly, this case should be dismissed for failure to prosecute.

It is, therefore,

ORDERED, That Case No. 09-874-EL-CSS be dismissed for failure to prosecute. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

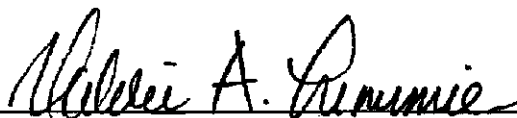


Alan R. Schriber, Chairman

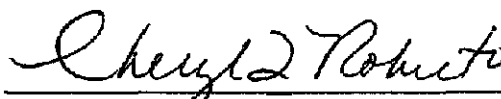
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

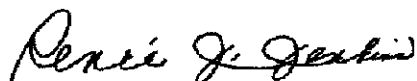


Cheryl L. Roberto

KLS:dah

Entered in the Journal

JAN 27 2010



Renee J. Jenkins
Secretary