

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Michael	)	
Todd Dawson,	)	
Complainant,	)	
	)	
v.	)	Case No. 09-1081-GE-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On November 9, 2009, Michael Todd Dawson (complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke) questioning his natural gas and electric service rates and the manner in which those services are metered. Specifically, complainant questions Duke's billing for natural gas and electric services for the common areas of two buildings that contain rental properties. The complainant also requests an order prohibiting the termination of service for nonpayment during the pendency of this complaint.
- (2) On November 30, 2009, Duke filed its answer to the complaint, as well as a motion to dismiss, denying the allegations in the complaint, and stating that Duke has not violated any rule, regulation, or tariff provision. Duke also asserts that the complainant has failed to set forth reasonable grounds for the complaint.
- (3) A settlement conference was held on January 28, 2010; however, the parties were unable to resolve the matter.
- (4) The examiner finds that reasonable grounds for complaint have been stated. Accordingly, this case should be scheduled for a hearing on September 16, 2010, at 10:00 a.m., in hearing room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (5) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code,

which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

- (6) In complaint proceedings, the burden of proof rests with the complainant. Therefore, at the hearing, it shall be complainant's responsibility to appear and be prepared to present evidence in support of the complaint.

It is, therefore,

ORDERED, That the hearing be scheduled in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman  
By: Katie L. Stenman  
Attorney Examiner

/dalt<sup>ST</sup>

Entered in the Journal

**JUL 08 2010**

Renee J. Jenkins

Renee J. Jenkins  
Secretary