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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 AUG -9 PM 5:05

PUCO

Michael K. Smith
1989 Bethel Hygiene Road
Bethel, OH 45106

Complainant,

v.

Duke Energy Ohio, Inc.

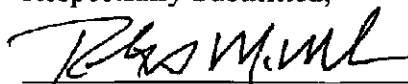
Respondent

Case No. 10-919-ELS-CSS

**JOINT MOTION TO DISMISS COMPLAINT OF MICHAEL K. SMITH AND
RESPONDENT DUKE ENERGY OHIO, INC**

Complainant, Michael K. Smith, and Respondent, Duke Energy Ohio, Inc.,
respectfully request the Commission dismiss the above-captioned complaint with prejudice
as the parties have settled this matter and all issues raised in the complaint have been
resolved.

Respectfully Submitted,



Robert A. McMahon (0064319)
Eberly McMahon LLC
2321 Kemper Lane, Suite 100
Cincinnati, OH 45206
513-533-3441
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bcmahon@emh-law.com

Attorney for Respondent,
Duke Energy Ohio, Inc.

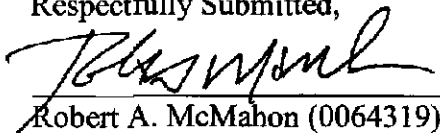


Michael K. Smith
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MEMORANDUM IN SUPPORT

The parties have resolved all issues raised in the above styled complaint and reached a settlement that is to the satisfaction of both parties. Therefore, by agreement, the parties respectfully request this Commission dismiss the above captioned case with prejudice.

Respectfully Submitted,



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Eberly McMahon LLC
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Cincinnati, OH 45206
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bcmahon@emh-law.com

Attorney for Respondent,
Duke Energy Ohio, Inc.



Michael K. Smith
1989 Bethel Hygiene Road
Bethel, OH 45106

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Dismiss, was served on the following by first class U.S. mail, postage prepaid, on this _____ day of August, 2010.

Michael K. Smith
1989 Bethel Hygiene Road
Bethel, OH 45106



Robert A. McMahon