

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Samuel)	
Mays,)	
)	
Complainant,)	
)	
v.)	Case No. 10-993-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On July 20, 2010, Samuel Mays (Mr. Mays) filed a complaint against Duke Energy Ohio, Inc. (Duke), stating that Ms. L. Jones placed service at 2444 Gilbert Avenue in her name for eight months and that she moved when she received a disconnection notice. He added that on April 1, 2010, he placed the service in his name. Mr. Mays provided no other information concerning his complaint.
- (2) On August 10, 2010, Duke filed an answer asserting that Mr. Mays had failed to state a claim against Duke and contending that it had provided reasonable and adequate service to Mr. Mays. Duke also filed a motion to dismiss the complaint because of failure to set forth grounds for complaint.
- (3) On September 8, 2010, the attorney examiner issued an entry directing Mr. Mays to clarify his concerns by amending the complaint. Mr. Mays amended the complaint on September 23, 2010, by asserting that he was billed and had paid for electric service, despite the bill not being issued in his name.
- (4) Duke responded to the amended complaint on September 29, 2010, by renewing its motion to dismiss and asserting that Mr. Mays had not provided any information to indicate that Duke had violated its tariff or Ohio law.
- (5) By entry issued October 5, 2010, the attorney examiner scheduled an October 19, 2010, settlement conference. The parties met for the

conference on October 19, 2010, but were unable to resolve the matter.

- (6) On December 22, 2010, the parties filed a joint motion to dismiss the complaint, accompanied by a memorandum in support of the motion. The parties indicate that they have resolved all issues and request that the complaint be dismissed with prejudice.
- (7) The Commission finds that the parties' request to dismiss the complaint, with prejudice, is reasonable and should be granted.

It is, therefore,

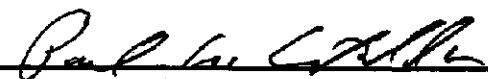
ORDERED, That the request to dismiss the complaint, with prejudice, be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Steven D. Lesser, Chairman



Paul A. Centolella



Valerie A. Lemmie

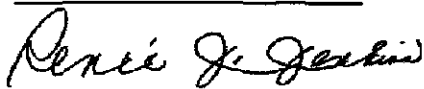


Cheryl L. Roberto

JML/dah

Entered in the Journal

JAN 05 2011



Renee J. Jenkins

Renee J. Jenkins
Secretary