

FILE

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

2011 JAN 20 AM 9:51

RECEIVED - BOOKING UNIT

Jo Ellen Spitz  
2444 Madison Road #1706  
Cincinnati, OH 45208

Complainant

Case No. 10-2657-EL-CSS

v.

Duke Energy Ohio, Inc.

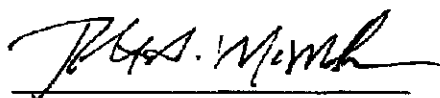
Respondent

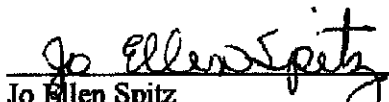
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JOINT MOTION TO DISMISS

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Complainant Jo Ellen Spitz 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.

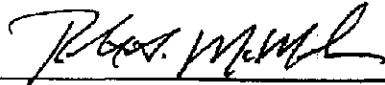
  
Robert A. McMahon (0064319)  
Eberly McMahon LLC  
2321 Kemper Lane, Suite 100  
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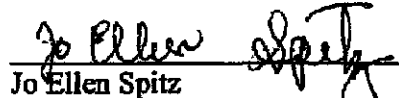
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Technician SAB Date Processed 1/20/11

**MEMORANDUM OF LAW**

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.



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Jo Ellen Spitz  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss was served via regular US Mail, postage prepaid, this 20<sup>th</sup> day of January, 2011, upon the following:

Jo Ellen Spitz  
2444 Madison Road, #1706  
Cincinnati, OH 45208



Robert A. McMahon