

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Elbert Stidham,	)	
	)	
Complainant,	)	
	)	Case No. 11-4788-GE-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On August 16, 2011, Elbert Stidham (Mr. Stidham) filed a complaint against Duke Energy Ohio, Inc. (Duke), alleging that Duke has incorrectly billed him for usage by another customer.
- (2) On September 6, 2011, Duke answered by stating that Mr. Stidham owns rental property that has a master meter for all tenants, rather than separate meters for each tenant. Because of this, Duke adds, it has properly complied with Commission rules, which require the property owner to be responsible for gas and electric accounts when tenants do not have separate meters.
- (3) On September 14, 2011, the attorney examiner issued an entry scheduling an October 3, 2011, settlement conference. Shortly thereafter, Mr. Stidham contacted the attorney examiner and indicated that he could not attend the conference.
- (4) By entry issued September 28, 2011, the attorney examiner cancelled the October 3, 2011, settlement conference. In addition, the attorney examiner ordered Mr. Stidham to file a letter no later than October 14, 2011, indicating alternate days on which he can attend a settlement conference. To date, Mr. Stidham has not filed such a letter.
- (5) In order to proceed in this matter, the attorney examiner finds that Mr. Stidham shall file, no later than November 14, 2011, a letter indicating alternate dates that he can attend a settlement

conference. Failure to file such a letter may result in dismissal of the complaint for failure to prosecute the matter.

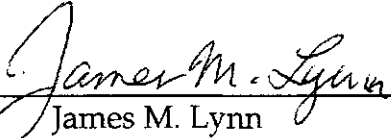
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That, by November 14, 2011, Mr. Stidham file a letter indicating alternate dates that he can attend a settlement conference. It is, further,

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

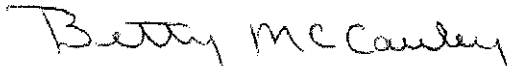
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: James M. Lynn  
Attorney Examiner

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Entered in the Journal

OCT 28 2011

  
Betty McCauley  
Betty McCauley  
Secretary