

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|---|---|-------------------------|
| In the Matter of the Complaint of KAWS, |) | |
| Inc., d/b/a RB Tool & Mfg. Co., |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 13-0336-EL-CSS |
| |) | |
| Duke Energy Ohio, Inc., |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on January 30, 2013. In the complaint, KAWS, Inc., d/b/a RB Tool & Mfg. Co. (KAWS) alleged that, due to continuing power outages, Duke Energy Ohio, Inc. (Duke Energy or company) has failed to supply reasonable electric service. Further, KAWS alleged that, as a result of Duke Energy's unwillingness to correct the problem, the company is responsible for the damages caused by the lack of continuity of service.
- (2) On February 19, 2013, Duke Energy filed an answer denying the allegations in the complaint.
- (3) The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

- (4) Accordingly, a settlement conference shall be scheduled for April 16, 2013, at 2:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring all relevant documents to the conference. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to establish a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (5) 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, 214 N.E. 2d 666 (1966).

It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on April 16, 2013, at 2:00 p.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

gap/vrm

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in

Case No(s). 13-0336-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference on April 16, 2013, at 2:00 p.m., electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio