

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Planning)
A Lifetime, LLC,)
)
Complainant,)
)
v.) Case No. 14-147-EL-CSS
)
Duke Energy Ohio, Inc.,)
)
Respondent.)

ENTRY

The Commission finds:

- (1) On January 30, 2014, Allyssa Holder, as owner of Planning A Lifetime, LLC (Lifetime or Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke). In the complaint, Ms. Holder alleges that she is the owner of Lifetime, a licensed business. Ms. Holder alleged that Duke wrongfully merged her business account with her personal account.
- (2) On February 19, 2014, Duke filed an answer to the complaint. In its answer, Duke alleged that Ms. Holder applied for service using a false name and financial information and that she never provided Duke with documentation to confirm the right to occupy the residence location of her business. Ultimately, Duke disconnected Ms. Holder's service for fraudulent conduct. According to Duke, Ms. Holder knew that she was ineligible for service in her own name because of a history of making repeated payments that were returned for insufficient funds.
- (3) Concurrently with its answer, Duke filed a motion to dismiss the complaint. In support of its motion, Duke first points out that the Complainant is a limited liability company and, pursuant to Ohio Adm.Code 4901-1-08, must be represented by an attorney licensed to practice in the State of Ohio. Because Ms. Holder is not an attorney, Duke concludes that she was not qualified to sign and file the complaint on behalf of the

Complainant. Being unqualified to prosecute this action, Duke urges the Commission to dismiss the complaint.

- (4) Duke also contends that the complaint should be dismissed for failure to set forth reasonable grounds. First, Duke declared that Ms. Holder has violated the law and Duke's tariffs by attempting to perpetrate a fraud by using a false name to apply for residential service in her company's name at a home where her family resides. Second, Duke asserts that the Complainant applied for and received service at a residence in the name of a limited liability company. Third, Duke accuses Ms. Holder of falsely representing that she had legal possession of the residential location of the Complainant. Fourth, Duke notes that Ms. Holder has tendered additional payments to Duke that have been returned for insufficient funds.
- (5) Because the Complainant did not respond to the motion to dismiss, it is unclear whether the Complainant wished to proceed with the complaint. The attorney examiner, therefore, issued an entry on March 17, 2014, directing the Complainant to file a memorandum contra or statement of intent within 10 days. The attorney examiner advised the Complainant that failure to file a timely memorandum contra or a statement of intent would result in a recommendation that the complaint be dismissed. The 10-day period has passed, and, to date, the Complainant has not responded to the Entry or requested an extension of time. Accordingly, the complaint should be dismissed for lack of prosecution.

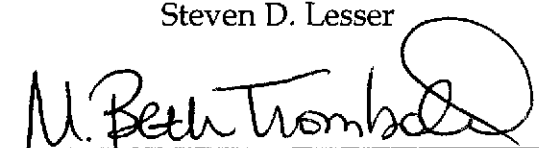
It is, therefore,

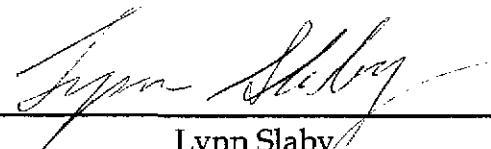
ORDERED, That, in accordance with finding (5), the complaint be dismissed for lack of prosecution. It is, further,

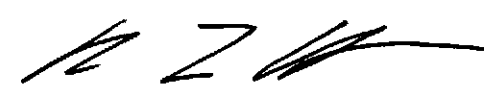
ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman

Steven D. Lesser

M. Beth Trombold



Lynn Slaby


Asim Z. Haque

LDJ/vrm

Entered in the Journal

APR 30 2014



Barcy F. McNeal
Secretary