

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Marilyn J. Rhodes	)	
9846 Arvin Avenue	)	
Cincinnati, OH 45236	)	
	)	
Complainant,	)	Case No. 14-834-GA-CSS
	)	
v.	)	
	)	
Duke Energy Ohio, Inc.	)	
	)	
Respondent	)	

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REPLY MEMORANDUM IN SUPPORT OF  
RESPONDENT’S MOTION TO DISMISS COMPLAINT

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In response to the motion to dismiss filed by Respondent Duke Energy Ohio, Inc. (the “Company” or “Duke Energy Ohio”), Complainant asserts only that she “disagrees” with the motion and wants a hearing before the Commission. Notably absent from Complainant’s response is any legal or factual explanation as to how her Complaint withstands the Company’s motion to dismiss. Whether Complainant “wants” a hearing before the Commission is irrelevant because she only is entitled to a hearing if Complainant has set forth reasonable grounds for a complaint against Duke Energy Ohio. In this case, there cannot be any rational dispute that the Complaint filed by Complainant does not set forth reasonable grounds for her complaint against Duke Energy Ohio and does not satisfy the pleading requirements before the Commission. Complainant never claims otherwise in response to the Company’s motion to dismiss. Therefore, this case should be dismissed under Ohio Administrative Code §4901-1-12 and 4901-9-01-(C)(3),

as the Company should not be forced to incur the considerable expense of defending a baseless claim just because Complainant wants a hearing.

WHEREFORE, Respondent Duke Energy Ohio, Inc. respectfully moves this Commission to dismiss the Complaint of Marilyn J. Rhodes with prejudice for failure to set forth reasonable grounds for the Complaint.

Respectfully submitted,

/s/ Robert A. McMahon

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Attorneys for Respondent

Duke Energy Ohio, Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via regular US Mail, postage prepaid, this 4<sup>th</sup> day of June, 2014, upon the following:

Marilyn J. Rhodes  
9846 Arvin Avenue  
Cincinnati, OH 45236

/s/ Robert A. McMahon

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 14-0834-GA-CSS**

Summary: Memorandum Reply Memorandum in Support of Respondent Duke Energy Ohio, Inc.'s Motion to Dismiss. electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.