

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of

LAWRENCE E. DOWLER
6933 Dutchland Blvd.
Liberty Township, Ohio 45044

Case No. 14-1195-EL-CSS

Complainant

v.

CINCINNATI BELL ENERGY, LLC,

Respondent.

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MOTION TO DISMISS OF CINCINNATI BELL ENERGY, LLC

Cincinnati Bell Energy, LLC ("Cincinnati Bell Energy" or "the Respondent"), by its attorneys, Vorys, Sater, Seymour and Pease LLP, hereby moves to dismiss this complaint case against Cincinnati Bell Energy, LLC, on the grounds that the Complaint has been settled. Pursuant to Rule 4901-9-01(F) of the Ohio Administrative Code, the Complainant has 20 days to file a written response agreeing or disagreeing with the assertion that the Complaint has been settled. If no response is filed, the Commission, under this Rule, may presume that satisfaction or settlement has occurred and may dismiss the Complaint. Cincinnati Bell Energy respectfully requests that if the Commission does not receive any written response from the Complainant within 20 days, that the Commission grant this Motion to Dismiss the Complaint with prejudice.

WHEREFORE, Cincinnati Bell Energy, LLC, respectfully moves that this Complaint against it be dismissed with prejudice after the 20-day period expires.

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Respectfully submitted,

VORYS, SATER, SEYMOUR & PEASE LLP

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*Attorneys for Respondent
Cincinnati Bell Energy, LLC*

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MEMORANDUM IN SUPPORT

Mr. Lawrence E. Dowler filed a Complaint on July 7, 2014, in this case. Cincinnati Bell Energy, LLC filed its Answer on July 28, 2014.

Cincinnati Bell Energy alleges that the Complaint has been settled. The October 20, 2014 settlement conference has been cancelled. Pursuant to a Commission rule, the Complainant has twenty days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the Commission may presume that the satisfaction or settlement has occurred and dismiss the Complaint.

Cincinnati Bell Energy respectfully requests that if the Complainant either agrees or does not file a response within the twenty day period, that the Commission should dismiss this Complaint against Cincinnati Bell Energy, LLC with prejudice.

Respectfully submitted,

VORYS, SATER, SEYMOUR & PEASE LLP

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*Attorneys for Respondent
Cincinnati Bell Energy, LLC*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served on Lawrence E. Dowler, 6933 Dutchland Blvd., Liberty Township, Ohio 45044 via U.S. First Class Mail, postage prepaid, this 17th of November, 2014.

Stephen M. Howard
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