

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Theresa Jones	)	
1339 Woodlawn Ave., Apt. 2	)	
Middletown, OH 45044	)	
	)	
Complainant,	)	Case No. 14-1625-EL-CSS
	)	
v.	)	
	)	
Duke Energy Ohio, Inc.	)	
	)	
Respondent	)	

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**RESPONDENT DUKE ENERGY OHIO, INC.'S  
MOTION TO DISMISS**

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During the settlement conference on December 15, 2014, the parties agreed to continue their discussions in an effort to resolve this dispute through a mutually acceptable payment plan. Approximately month later, on January 16, 2015, Complainant spoke with a representative of Duke Energy Ohio, Inc. and agreed to a payment plan in return for a dismissal of her Complaint in these proceedings. Since Complainant already had made partial payments of \$200 on December 29, 2014, and \$100 on January 6, 2015, Complainant agreed to pay the remaining past-due balance through 12-monthly payments of \$48 and to remain current with her ongoing monthly utility bills. Duke Energy Ohio's representative advised Complainant that the payment plan would be reflected on her next bill which was scheduled to generate during the week of January 19, 2015.

By letter dated January 23<sup>rd</sup> (copy attached), counsel for Duke Energy Ohio sent copies of the settlement agreement and joint motion to dismiss to Complainant along with a

self-addressed, stamped envelope so that Complainant may return the signed documents to counsel. That same day Duke Energy Ohio's attorney advised the Commission of the parties' settlement. Complainant has not signed and returned the settlement-related documents. However, Duke Energy Ohio has fully complied with its obligations under the settlement, and Complainant continues to make payments in accordance with the parties' agreement.

Pursuant to Rule 4901-9-01(F), the Commission should dismiss the Complaint in this case because the parties have settled this matter and all issues raised in the Complaint have been resolved. In order to avoid dismissal, Complainant has twenty days to file a written response agreeing or disagreeing with Respondent's assertions. If Complainant fails to respond, the Commission can and should presume that satisfaction or settlement has occurred and dismiss the Complaint.

WHEREFORE, Respondent Duke Energy Ohio, Inc. moves that the Commission dismiss the Complaint in these proceedings with prejudice pursuant to Rule 4901-9-01(F).

Respectfully Submitted,

/s/ Robert A. McMahon  
Robert A. McMahon (0064319)  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
513-533-3441  
513-533-3554 Fax  
[bmcmahon@emclawyers.com](mailto:bmcmahon@emclawyers.com)

Attorney for Respondent  
Duke Energy Ohio, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on the following Complainant at the address below by regular U.S. Mail, postage prepaid, on the 20<sup>th</sup> day of March, 2015:

Theresa Jones  
1339 Woodlawn Ave., Apt. 2  
Middletown, OH 45044

/s/ Robert A. McMahon

January 23, 2015

Theresa Jones  
1339 Woodlawn Ave., Apt 2  
Middletown, OH 45044

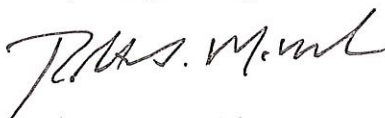
Re: Theresa Jones v. Duke Energy Ohio, Inc.  
PUCO Case #: 14-1625-EL-CSS

Dear Ms. Jones:

This letter follows up with your telephone conversations with Melissa Coffman of Duke Energy, your payment plan and agreement to resolve this case. Enclosed are the following documents for your signature: (1) Settlement and Release Agreement; and (2) Joint Motion to Dismiss. Please sign both documents where appropriate—once on the agreement and twice on the joint motion to dismiss—and return the originals to me in the enclosed, self-addressed stamped envelope. Once I receive the signed agreement, I will have the agreement signed by Duke and will then file the joint motion with the PUCO and serve copies of both documents on you.

Thank you again for your cooperation in resolving this matter. Please call me at 513-533-3441 if you have any questions.

Very Truly Yours,



Robert A. McMahon

Enc.

cc: Ms. Melissa Coffman, Duke Energy (via email)

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

**Commission of Ohio Docketing Information System on**

**3/20/2015 2:56:58 PM**

**in**

**Case No(s). 14-1625-GA-CSS**

Summary: Motion Respondent Duke Energy Ohio, Inc.'s Motion To Dismiss electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.