

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

James M. Lehmkuhl)	
2955 W. McMicken Avenue, Apt. 4)	
Cincinnati, Ohio 45225)	
)	
Complainant,)	Case No. 15-1067-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent)	

**RESPONDENT DUKE ENERGY OHIO, INC.'S
MOTION TO CONTINUE OR CANCEL SETTLEMENT CONFERENCE**

Respondent Duke Energy Ohio, Inc. respectfully moves the Commission to continue or cancel the settlement conference scheduled for Monday, August 3, 2015. A memorandum in support of this motion is attached.

Respectfully submitted,

/s/ Robert A. McMahon
Robert A. McMahon (0064319)
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MEMORANDUM IN SUPPORT

On June 30, 2015, the Attorney Examiner issued an Entry scheduling this matter for a settlement conference on August 3, 2015. Respondent seeks a continuance because the undersigned counsel will be out of town on vacation from August 1-8. If necessary (see below), Respondent is available for a settlement conference later in August or early September.

The request to continue the hearing is not being filed for purposes of delay. Rather, the settlement conference was scheduled without counsel's input and long after when Respondent's counsel had scheduled to be out of town on vacation. Moreover, Complainant will not be prejudiced by any short delay in the settlement conference.

As further grounds for the present motion, Respondent previously filed a Motion to Dismiss on June 25, 2015. Complainant has not yet responded to that motion, but the time for him to respond soon will expire. If Complainant fails to respond to that motion, the Commission should grant the motion and dismiss the Complaint, thereby obviating the need to conduct any settlement conference.

Moreover, no settlement conference is needed in any event, and it would neither be productive nor efficient to require the parties to travel to Columbus for a settlement conference based on the Complaint filed in this case. Should the Attorney Examiner want to speak with the parties in the event Respondent's Motion to Dismiss is not granted in the near future, the parties could complete that discussion during a single 15-minute telephone conversation. Again, the Complaint does not state a claim against Respondent and, even if one were to assume that it does, attending a settlement conference in Columbus would not lead to a resolution.

WHEREFORE, Respondent Duke Energy Ohio, Inc. requests that the Commission vacate the settlement conference scheduled for August 3, 2015; and grant the previously filed Motion to Dismiss. Alternatively, Respondent requests that the Commission conduct a short settlement conference by telephone or reschedule the in-person settlement conference for a date convenient to all parties and counsel.

Respectfully submitted,

/s/ Robert A. McMahon

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Attorneys 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 on this 13th day of July, 2015:

James M. Lehmkuhl
2955 W. McMiken Ave., Apt. 4
Cincinnati, Ohio 45225

/s/ Robert A. McMahon

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7/13/2015 4:00:30 PM

in

Case No(s). 15-1067-EL-CSS

Summary: Motion Respondent Duke Energy Ohio, Inc.'s Motion to Continue or Cancel Settlement Conference electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.