

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Nancy M. Cole,)	
)	
Complainant,)	
)	
v.)	Case No. 14-805-EL-CSS
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On June 23, 2014, Complainant, Nancy M. Cole, filed a complaint against Respondent, Duke Energy Ohio, Inc. (Duke) alleging that in the past she has been, and still is, being “excessively” billed by Respondent for utility service at commercial rates for utility service provided to her residence where, she claims, she is entitled to receive utility service at residential service rates.
- (2) Duke filed its answer on July 11, 2014, admitting some and denying other of the complaint’s allegations, and asserting several affirmative defenses.
- (3) After being rescheduled on more than one occasion, a prehearing settlement conference was held on October 20, 2014; however, the parties were unable to reach a settlement at that time.
- (4) The attorney examiner finds that reasonable grounds for complaint have been stated and that this case should be scheduled for hearing. The hearing will commence at 10:00 a.m. on December 15, 2015, in Hearing Room 11-C, at the offices of the Commission, 180 East Broad Street, Columbus Ohio 43215-3793.
- (5) All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.

- (6) Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.
- (7) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That a hearing be held as set forth in Finding (4). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (5). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/4/2015 4:02:31 PM

in

Case No(s). 14-0805-EL-CSS

Summary: Attorney Examiner Entry ordering that a hearing be held as set forth in Finding (4); that discovery be conducted in accordance with Finding (5); and that any party intending to present expert testimony comply with Finding (6) - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.