

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) By Entry issued November 4, 2015, a hearing in this matter was scheduled to occur on December 15, 2015.
- (2) On November 19, 2015, Respondent filed a motion to continue the hearing, along with a request for an expedited ruling on that motion. In support of its motion, Respondent submits that it needs the additional time it has requested in order to adequately prepare for hearing and meet the scheduling needs of its main witness.
- (3) Under Ohio Adm.Code 4901-1-12(C), Complainant had until November 27, 2015, to file a memorandum contra Respondent's motion for continuance of the hearing. Complainant has not timely responded to Respondent's motion to continue the hearing.
- (4) The attorney examiner finds that Respondent's motion to continue the hearing is reasonable and should be granted.
- (5) Accordingly, the hearing previously scheduled for December 15, 2015, shall be continued and is hereby rescheduled to occur, instead, on January 25, 2016, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (6) All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-1-16 to 4901-1-24.

- (7) 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.
- (8) 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 the hearing previously scheduled to occur on December 15, 2015, is hereby rescheduled to occur, instead, on January 25, 2016, as set forth in Finding (5). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (6). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (7). 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

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in

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

Summary: Attorney Examiner Entry ordering that the hearing previously scheduled to occur on December 15, 2015, is hereby rescheduled to occur, instead, on January 25, 2016, as set forth in Finding (5); that discovery be conducted in accordance with Finding (6); and that any party intending to present expert testimony comply with Finding (7) - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.