

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF DONALD ANDERSON,**

**COMPLAINANT,**

**v.**

**CASE NO. 16-256-EL-CSS**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on August 23, 2016

{¶ 1} On March 3, 2017, the attorney examiner issued an Entry scheduling a March 24, 2017 hearing in this matter.

{¶ 2} Several days before the hearing, Donald Anderson (Complainant) called the attorney examiner to request a continuance. Mr. Anderson explained that he had recently returned from out of town and needed time to review discovery information sent by Duke during his absence. He added that he was recovering from optical surgery and having difficulty reading the information that he had received. Finally, Complainant stated that he would be out of state from March 24, 2017 to April 15, 2017. Mr. Anderson asked that the hearing be postponed until after April 15, 2017. He filed a letter summarizing the aforementioned comments on March 24, 2017.

{¶ 3} The attorney examiner granted the continuance request and, in subsequent months, attempted unsuccessfully to contact Mr. Anderson concerning a new date for the hearing.

{¶ 4} Accordingly, the hearing shall be rescheduled to October 20, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 5} 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.

{¶ 6} 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.*, 5 Ohio St.2d 189, 214 N.E. 2d 666 (1966).

{¶ 7} The attorney examiner notes that the hearing has been continued twice at Mr. Anderson's request. As discussed above, the attorney examiner has had no success contacting Complainant since the most recent continuance request was granted, nor has Mr. Anderson communicated with the attorney examiner since then. Therefore, absent extraordinary circumstances, failure by Complainant to attend the October 20, 2017 hearing may result in the complaint being dismissed for failure to prosecute the matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the hearing be rescheduled to October 20, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/James Lynn

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By: James M. Lynn  
Attorney Examiner

JRJ/sc

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

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**in**

**Case No(s). 16-0256-EL-CSS**

Summary: Attorney Examiner Entry rescheduling hearing to 10/20/2017 in accordance with Paragraph 4. - electronically filed by Sandra Coffey on behalf of James Lynn, Attorney Examiner, Public Utilities Commission of Ohio