

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|-------------------------|
| In the Matter of the Individual Complaint of) | | |
| Randall J. Fick) |) | |
| |) | |
| Complainants,) |) | |
| |) | |
| v.) |) | Case No. 17-2467-EL-CSS |
| |) | |
| Duke Energy Ohio, Inc.,) |) | |
| |) | |
| Respondent) |) | |

MOTION TO WITHDRAW COMPLAINTS WITHOUT PREJUDICE

Pursuant to Ohio Adm. Code 4901-1-12, Complainant Randall J. Fick (Complainant), hereby request to dismiss his complaint against Duke in the above-captioned dockets without prejudice.

As set forth below in the accompanying memorandum in support, Complainant moved the Public Utilities Commission of Ohio (Commission) to amend the joint complaint filed in Case No. 17-2344-EL-CSS to allow the individual complainants to join the joint Second Amended Complaint filed on January 5, 2018 and to include his claims against Duke Energy Ohio, Inc. (Duke) in that Complaint. The Commission granted that motion on January 25, 2018. Given that Complainant joined the joint Second Amended Complaint, he desires to pursue the legal claims raised in the Second Amended Complaint in Case No. 17-2344-EL-CSS against Duke and to withdraw his Complaint filed in the above-captioned docket without prejudice.

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402)

Brian W. Dressel (0097163)

Stephen E. Dutton (0096064)

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Counsel for Citizens Against Clear Cutting

February 5, 2018

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|--|---|-------------------------|
| In the Matter of the Individual Complaint of) |) | |
| Randall J. Fick) |) | |
| Complainants,) |) | |
| v.) |) | Case No. 17-2467-EL-CSS |
| Duke Energy Ohio, Inc.,) |) | |
| Respondent) |) | |

MEMORANDUM IN SUPPORT

Complainant filed his Complaint against Duke on December 6, 2017, which asserted claims related to Duke’s decision to engage in clear cutting of trees and vegetation. On November 14, 2017, a number of individuals jointly filed a complaint against Duke in Case No. 17-2344-EL-CSS wherein they alleged similar claims against Duke.¹ A Motion to Amend the joint Complaint in that case was granted by Entry on November 28, 2017.²

On January 5, 2018, the complainants in Case No. 17-2344-EL-CSS moved to amend their joint Amended Complaint and to add additional complainants, including

¹ See *In the Matter of the Complaint of Kim Wiethorn, et al. V. Duke Energy Ohio, Inc.*, Case No. 17-2344-EL-CSS, Complaint (November 14, 2017).

² See *In the Matter of the Complaint of Kim Wiethorn, et al. V. Duke Energy Ohio, Inc.*, Case No. 17-2344-EL-CSS, Entry (November 28, 2017).

Complainant.³ That motion was granted by Entry on January 25, 2018.⁴ As Complainant has now joined the joint Second Amended Complaint filed in Case No. 17-2344-EL-CSS, it is no longer necessary for him to pursue his claims in the above-captioned docket at this time. Therefore, Complainant hereby requests that the Commission withdraw his Complaint without prejudice.

Respectfully submitted,

/s/ Kimberly W. Bojko
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Counsel for Citizens Against Clear Cutting

February 2, 2018

³ See *In the Matter of the Complaint of Kim Wiethorn, et al. V. Duke Energy Ohio, Inc.*, Case No. 17-2344-EL-CSS, Motion to Amend the Amended Complaint and Expedited Request to Extend Stay (January 5, 2018).

⁴ See *In the Matter of the Complaint of Kim Wiethorn, et al. V. Duke Energy Ohio, Inc.*, Case No. 17-2344-EL-CSS, Entry (November 28, 2017).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on February 5, 2018 by electronic mail upon all parties of record.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/5/2018 5:27:49 PM

in

Case No(s). 17-2467-EL-CSS

Summary: Motion to Withdraw Complaint Without Prejudice electronically filed by Mr. Brian W Dressel on behalf of Complainant