

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
CITIZENS AGAINST CLEAR CUTTING, ET  
AL.,**

**COMPLAINANTS,**

**v.**

**CASE NO. 17-2344-EL-CSS**

**DUKE ENERGY OHIO, INC.,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on April 30, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke or Company) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} On November 14, 2017, Citizens Against Clear Cutting (Complainants) filed a complaint against Duke. On November 16, 2017, the attorney examiner granted Complainants' request to stay Duke from clear cutting trees on their properties. On November 22, 2017, Complainants filed an amended complaint and on January 5, 2018, Complainants filed a second amended complaint. Duke filed its answer to the second amended complaint on January 25, 2018.

{¶ 4} On March 8, 2018, the Commission issued an Entry denying the interlocutory appeal filed by Duke on November 21, 2017; granting a motion to dismiss filed by Duke on December 4, 2017, with regard to certain individuals; and sua sponte dismissing certain claims raised by Complainants, as they fell outside of the Commission's jurisdiction.

{¶ 5} On April 20, 2018, Complainants filed a motion to compel Duke to fully answer 81 different discovery requests. In the motion, Complainants indicate that Duke has provided responses to some of these discovery requests. However, according to Complainants, while responding to these requests, Duke has either stated formulaic objections or indicated that the requests were not applicable because the Company has previously provided the information to Complainants. Complainants dispute that Duke has previously provided responses to these requests. Complainants indicate that both informal and formal steps to work with Duke to obtain the requested discovery have failed. Consequently, Complainants request that the Commission compel Duke to provide the outstanding discovery requests.

{¶ 6} Based on the Complainants' motion, the attorney examiner finds it appropriate to schedule a prehearing conference to address the motion on May 1, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215. The prehearing conference will be transcribed by a court reporter.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That a prehearing conference be scheduled in accordance with Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal  
Attorney Examiner

jrj/vrm

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

**Commission of Ohio Docketing Information System on**

**4/30/2018 11:01:33 AM**

**in**

**Case No(s). 17-2344-EL-CSS**

Summary: Attorney Examiner Entry scheduling a prehearing conference for May 1, 2018, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio