THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF TIMOTHY H. JONES,

COMPLAINANT,

v.

CASE NO. 17-2210-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on May 8, 2018

{¶ 1} 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.

{¶ 2} Respondent, Duke Energy Ohio, Inc. (Duke or Company), is a public utility as defined in R.C. 4905.02. As such, Duke is subject to the Commission's jurisdiction.

{¶ 3} On October 25, 2017, Timothy H. Jones (Complainant) filed a complaint against Duke, alleging that Duke is negatively impacting property values in Symmes Township and the city of Montgomery by clear cutting and obliterating all trees located within a 100-foot right-of-way under transmission wires.

{¶ 4} On November 14, 2017, Duke filed an answer. In the answer, Duke denies the allegations made by Complainant. Additionally, it set forth affirmative defenses including that Complainant lacks standing to assert any claims.

{¶ 5} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of the complaint. As stated in

Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing is generally inadmissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for June 13, 2018, at 11:00 a.m. in Conference Room 1246 at the offices of the Commission, 180 East Broad Street, 12th Floor, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues including discovery deadlines, possible stipulations of fact, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference. All parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, the parties shall bring with them relevant documents that are necessary to cultivate an understanding of the issues raised in the complaint and to facilitate settlement negotiations.

{¶ 8} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be held in accordance to Paragraph 6. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Anna Sanyal
By: Anna Sanyal
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-2210-EL-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 06/13/2018 at 11:00 a.m. in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio