

THE PUBLIC UTILITIES COMMISSION OF OHIO

**CITIZENS AGAINST CLEAR CUTTING, ET
AL.,**

COMPLAINANTS,

CASE NO. 17-2344-EL-CSS

V.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on May 14, 2018

{¶ 1} Duke Energy Ohio, Inc. (Duke or the 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} By Entry issued April 5, 2018, the attorney examiner scheduled a hearing in this matter to commence on May 14, 2018.

{¶ 5} On May 1, 2018, the attorney examiner held a prehearing conference regarding a motion to compel discovery filed by Complainants on April 20, 2018 and granted the motion to compel, in part. During the conference, Duke indicated that it would produce all outstanding discovery to Complainants by May 7, 2018.

{¶ 6} On May 11, 2018, Duke filed a motion to adjust the procedural schedule. In the motion, Duke states that it requires additional time to produce discovery to Complainants, as ordered during the May 1, 2018 prehearing conference. Duke also indicates that based on telephone and email communications amongst counsel, no parties object to the motion.

{¶ 7} The attorney examiner finds that Duke's motion is reasonable and should be granted. As such, the attorney examiner directs Duke to produce all discovery to Complainants by May 23, 2018. Further, in order to provide sufficient time to prepare for the hearing, including reviewing the discovery responses and conducting depositions, the hearing in this matter shall commence on June 18, 2018, at 10:00 a.m., at the Commission offices, Hearing Room 11-C, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215. Testimony will be due by June 8, 2018.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Duke comply with the discovery deadline and parties comply with the testimony deadline set in Paragraph 7. It is, further,

{¶ 10} ORDERED, That a hearing be set in the matter in accordance with Paragraph 7. It is, further,

{¶ 11} 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

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Attorney Examiner Entry granting Duke's motion to adjust the procedural schedule and setting a hearing on 6/18/18 at 10:00am. electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission