

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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| In the Matter of the Complaint of |) | |
| Sandra Vickers, |) | |
| |) | |
| Complainant, |) | |
| |) | Case No. 06-590-GA-CSS |
| v. |) | |
| |) | |
| The Cincinnati Gas and Electric Company |) | |
| Now Known as Duke Energy Ohio Inc., |) | |
| |) | |
| Respondent. |) | |

ENTRY

The Attorney Examiner finds:

- (1) A hearing in this matter was scheduled to commence on August 29, 2006, at 1:00 p.m., at the offices of the Commission.¹ Accordingly, pursuant to Rule 4901-1-29(h), Ohio Administrative Code (O.A.C.), The Cincinnati Gas and Electric Company now known as Duke Energy Ohio, Inc. (Duke) filed its direct testimony on August 22, 2006. Duke also filed a motion to compel on August 22, 2006. Duke requests the discovery of certain information and documents from Ms. Vickers.
- (2) On or about August 23, 2006, counsel for the complainant contacted the Attorney Examiner to inquire about the possibility of continuing the hearing.
- (3) To discuss complainant's request for a continuance, as well as other procedural matters, a conference call was conducted on August 25, 2006. During the conference call the parties discussed the request for a continuance of the hearing, making the complainant available for a deposition and respondent's motion to compel. Duke also requested permission to supplement the company's testimony. Counsel for the

¹ Because the entry scheduling the hearing inadvertently stated two different dates for the hearing, the docket card list the hearing date as September 19, 2006. However, Ms. Vickers and counsel for Duke were informed of the correct hearing date shortly after the entry was issued.

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complainant admitted that responses to discovery requests had not been provided to Duke and stated that the responses would be provided to respondent's counsel by no later than September 1, 2006. Counsel for the complainant further stated that counsel expected to make the complainant available for a deposition by on or about September 15, 2006. After some discussion of the parties' schedules, the Attorney Examiner informed the parties that the hearing would likely be rescheduled to commence on Friday, October 13, 2006.

- (4) On August 30, 2006, the complainant filed a written request for a continuance of the hearing. The Attorney Examiner notes that the complainant's motion for a continuance states that the parties have agreed to reschedule the hearing for Monday, October 16, 2006. The Attorney Examiner interprets this date as the complainant's preferred date for the hearing.
- (5) As the parties were informed during the conference call, complainant's request for a continuance is reasonable and should be granted and the hearing rescheduled for Friday, October 13, 2006, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-G, Columbus, Ohio 43215-3793. In light of the fact that discovery responses were outstanding at the time direct testimony was due, Duke's request for permission to supplement its testimony is reasonable and should be granted.
- (6) The parties should note that pursuant to Rule 4901-1-29(h), O.A.C., direct testimony shall be filed in the Commission's docket at least 7 days prior to the hearing date.

It is, therefore,

ORDERED, That complainant's request for a continuance of the hearing is granted. Accordingly, the hearing is rescheduled to commence on Friday, October 13, 2006, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-G. It is, further,

ORDERED, That the complainant provide responses to the outstanding discovery that is due and make the complainant available for deposition. It is, further,

ORDERED, That Duke's request for permission to supplement its testimony is granted. It is, further,

ORDERED, That, pursuant to Rule 4901-1-29(h), O.A.C., the parties file direct testimony, and any supplements thereto, in the Commission's docket at least 7 days prior to the hearing date. It is, further,

ORDERED, That a copy of this entry be served upon Ms. Vickers, Duke and their respective counsel and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See
Attorney Examiner

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Entered in the Journal

SEP - 6 2006



Renee J. Jenkins
Secretary