

Subs 4 U LLC)
7245 Clubhouse Court)
West Chester, OH 45069)
)
Complainant,) Case No. 12-1951-GA-CSS
)
v.)
)
Duke Energy Ohio, Inc.)
)
Respondent.)

For its Amended Answer to the Complaint of Subs 4 U LLC (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

- ## AFFIRMATIVE DEFENSES

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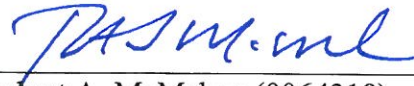
Revised Code and regulations promulgated thereunder, and in accordance with all of Duke Energy Ohio's filed tariffs.

5. Duke Energy Ohio asserts as an affirmative defense that Complainant is not registered or otherwise authorized to conduct business in the State of Ohio and, therefore, lacks standing to assert any claims against the Company in these proceedings.
6. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-13-11 and R.C. 4933.28.
7. Duke Energy Ohio asserts as an affirmative defense that Complainant's property has a gas meter. Therefore, Duke Energy Ohio is entitled to recover a minimum service charge on a monthly basis in accordance with O.A.C. 4901:1-13-11 and the Company's tariffs on file with the Commission.
8. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief, including relief which may be granted by this Commission.
9. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the jurisdiction of this Commission.
10. Duke Energy Ohio reserves the right to raise additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and discovery of this matter.

CONCLUSION

WHEREFORE, having fully answered, Duke Energy Ohio, Inc. respectfully moves this Commission to dismiss the Complaint of Subs 4 U LLC for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,



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Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served via regular US Mail, postage prepaid, this 18th day of July, 2012 upon the following:

Subs 4 U LLC
7245 Clubhouse Court
West Chester, OH 45069



Robert A. McMahon