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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

SZL Limited
9675 Montgomery Road
Cincinnati, OH 45242

Complainant,

v.

Duke Energy Ohio

Respondent

Case No. 08-1225-EL-CSS

PUCO

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ANSWER OF DUKE ENERGY OHIO

For its Answer to the Complaint of SZL Limited (Complainant), Duke Energy Ohio (DE-Ohio or Company) states as follows:

1. In response to the allegations contained in paragraph one (1) of the Complaint, DE-Ohio admits that service at 9675 Montgomery Road is on and in Complainant's name. The service has been on since May 8, 2008. DE-Ohio is without sufficient information or knowledge to either admit or deny the remainder of the allegations contained in paragraph one of the Complaint.
2. In response to the allegations contained in paragraph two (2) of the Complaint, DE-Ohio is without sufficient information or knowledge to either admit or deny the allegations contained in paragraph two of the Complaint.
3. In response to the allegations contained in paragraph three (3) of the Complaint, DE-Ohio admits that the demand charge was 17.01kW for the 15 day period from May 8 through

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May 23, 2008. DE-Ohio is without sufficient knowledge or information to either admit or deny the remaining allegations contained in paragraph three of the Complaint.

4. In response to the allegations contained in paragraph four (4) of the Complaint, DE-Ohio admits that the allegations contained therein are as stated on the bills.
5. In response to the allegations contained in paragraph five (5) of the Complaint, DE-Ohio denies that the meter was acting "irrationally." DE-Ohio tested the meter on August 18, 2008 and it was shown to be accurate. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph five (5) of the Complaint.
6. In response to the allegations contained in paragraph six (6) of the Complaint, DE-Ohio is without sufficient knowledge or information to either admit or deny the allegation contained therein.
7. In response to the allegations contained in paragraph seven (7) of the Complaint, DE-Ohio is without sufficient knowledge of information to either admit or deny the allegations contained therein.
8. In response to the allegations contained in paragraph eight (8) of the Complaint, DE-Ohio admits that the meter was changed out and a new one was installed. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph eight. DE-Ohio denies the allegation that "...the previous meter was providing erroneous readouts."
9. In response to the allegations contained in paragraph nine (9) of the Complaint, DE-Ohio admits that a letter dated August 26, 2008 was sent informing the Complainant of the meter test results. DE-Ohio is without sufficient knowledge or information to either

admit or deny the allegation that the letter was not received “until October 20” by the Complainant.

10. In response to the allegations contained in paragraph ten (10) of the Complaint, DE-Ohio admits that a formal complaint was filed at PUCO.
11. In response to the allegations contained in paragraph eleven (11) of the Complaint, DE-Ohio admits that a letter was sent to Mr. Bill Fleissner.
12. In response to the allegations contained in paragraph twelve (12) of the Complaint, DE-Ohio admits that Mr. Fleissner informed the Complainant that the wrong time zone was input into the data request program, resulting in usage being shown for the wrong time.
13. In response to the allegations contained in paragraph thirteen (13) of the Complaint, DE-Ohio admits that a formal complaint was filed at PUCO. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph thirteen of the Complaint.
14. In response to the allegations contained in paragraph fourteen (14) of the Complaint, DE-Ohio is without sufficient knowledge or information to either admit or deny that there is “one more interesting statistics: The average daily energy use.”
15. In response to the allegations contained in paragraph fifteen (15) of the Complaint, DE-Ohio admits that the average daily consumption was 172.26 kWh/day for May. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph fifteen of the Complaint.
16. In response to the allegations contained in paragraph sixteen (16) of the Complaint, DE-Ohio admits that the average daily consumption was 246.81 kWh/day for June. DE-

Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph sixteen of the Complaint.

17. In response to the allegations contained in paragraph seventeen (17) of the Complaint, DE-Ohio admits that the average daily consumption was 95.20 kWh/day for July. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph seventeen of the Complaint.
18. In response to the allegations contained in paragraph eighteen (18) of the Complaint, DE-Ohio admits that the average daily consumption was 43.36 kWh/day with the original meter and 31.25 kWh/day with the new meter for August. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph eighteen of the Complaint.
19. In response to the allegations contained in paragraph nineteen (19) of the Complaint, DE-Ohio admits that the average daily consumption was 28.25 kWh/day for September. DE-Ohio is without sufficient knowledge or information to either admit or deny the remainder of the allegations contained in paragraph nineteen of the Complaint.
20. In response to the allegations contained in paragraph twenty (20) of the Complaint, DE-Ohio is without sufficient knowledge or information to either admit or deny.
21. In response to the allegations contained in paragraph twenty-one (21) of the Complaint, DE-Ohio admits that the time frame began on May 8, 2008 and continues to the present.
22. In response to the allegations contained in paragraph twenty-two (22) of the Complaint, DE-Ohio is without sufficient knowledge or information to either admit or deny.

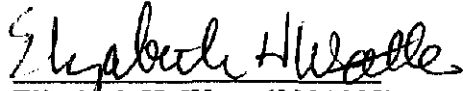
AFFIRMATIVE DEFENSES

23. DE-Ohio asserts as an affirmative defense that pursuant to R.C. 4905.26 and O.A.C. 4901-9-01-(B)(3), Complainant has failed to set forth reasonable grounds for complaint.
24. DE-Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, DE-Ohio has provided reasonable and adequate service and has billed the Complainant according to all applicable provisions of Title 49 of the Ohio Revised Code and regulations promulgated thereunder, and in accordance with all of DE-Ohio's filed tariffs.
25. DE-Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company is acting in conformance with O.A.C. 4901:1-10-23 and R.C. 4933.28.
26. DE-Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
27. DE-Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the jurisdiction of this Commission.
28. DE-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, DE-Ohio respectfully moves this Commission to dismiss the Complaint of SZL Limited for failure to set forth reasonable grounds for the complaint and to deny Complainant's Request for Relief.

Respectfully Submitted,

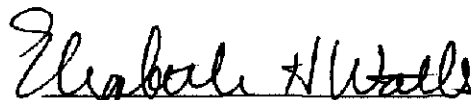


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to the complaint of SZL Limited was served via regular US Mail postage prepaid, this 3rd day of December 2008, upon the following:

SZL Limited
Stephen J. Vamosi
9675 Montgomery Road
Cincinnati, OH 45242


Elizabeth H. Watts