

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

Kyle D. Scheidler
969 Phillips Rd.
Cincinnati, OH 45230

Complainant,

v.

Duke Energy Ohio

Respondent

Case No. 09-120-GA-CSS

ANSWER OF DUKE ENERGY OHIO

For its Answer to the Complaint of Kyle D. Scheidler (Complainant), Duke Energy Ohio (DE- Ohio or Company) states as follows:

1. DE-Ohio is without sufficient knowledge at this time to either admit or deny the allegations contained in paragraph one (1) of the Complaint.
2. DE-Ohio is without sufficient knowledge at this time to either admit or deny the allegations contained in paragraph two (2) of the Complaint.
3. DE-Ohio is without sufficient knowledge at this time to either admit or deny the allegations of paragraph three (3) of the complaint which includes the charts prepared by the Complainant.
4. DE-Ohio is without sufficient knowledge at this time to either admit or deny the allegations contained in paragraph four (4) of the Complaint.

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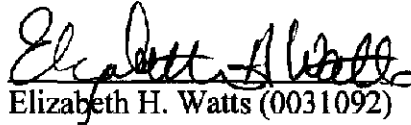
AFFIRMATIVE DEFENSES

5. 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.
6. 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.
7. 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.
8. DE-Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
9. DE-Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the jurisdiction of this Commission.
10. 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 Kyle Scheidler Drury 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 Kyle Scheidler was served via regular US Mail postage prepaid, this 4th day of March 2009, upon the following:

Kyle D. Scheidler
969 Phillips Rd.
Cincinnati, OH 45230


Elizabeth H. Watts