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DUKE ENERGY CORPORATION
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Amy B. Spiller
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VIA OVERNIGHT MAIL DELIVERY

October 19, 2009

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 09-874-EL-CSS

RECEIVED-DOCKETING DIV
2009 OCT 20 AM 9:56
PUCO

Dear Docketing:

Enclosed please find an original and twelve copies of the Answer of Duke Energy Ohio in the above captioned case. Please date-stamp the extra two copies and return in the envelope provided.

Should you have any questions, please contact me at (513) 419-1847.

Very truly yours,

Amy B. Spiller
Associate General Counsel

cc: Glenn A. Ray

Enclosure

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
2009 OCT 20 AM 9:56

PUCO

Glenn A. Ray
5300 Hamilton Ave.
Unit 400
Cincinnati, OH 45224

Complainant,

v.

Duke Energy Ohio

Respondent

Case No. 09- 874 -EL-CSS

ANSWER OF DUKE ENERGY OHIO

For its Answer to the Complaint of Glenn A. Ray (Complainant), Duke Energy Ohio (Duke Energy or Company) states as follows:

1. Duke Energy Ohio is without sufficient knowledge at this time to either admit or deny the allegations of paragraph one of the Complaint and thus denies the same.
2. Paragraph two of the Complaint merely repeats language contained in a tariff and does not contain an allegation to which a response is required. However, to the extent a response is required, Duke Energy Ohio admits that the Complainant has quoted portions of P.U.C.O Electric No. 19, Sheet No. 21.4, Section II (3) correctly.
3. In response to the allegation contained in paragraph three of the Complaint, Duke Energy Ohio is without sufficient knowledge or information at this time to either admit or deny the allegation of paragraph three of the Complaint and thus denies the same.

4. In response to the allegation contained in paragraph four of the Complaint, Duke Energy Ohio states that the relief of monetary damages is beyond the scope of the Public Utilities Commission of Ohio.
5. In response to the allegations contained in paragraph five of the Complaint, Duke Energy Ohio admits that the paragraph enumerates certain attachments to the Complaint.

AFFIRMATIVE DEFENSES

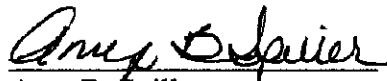
6. Duke Energy Ohio asserts as an affirmative defense that pursuant to R.C. 4905.26 and O.A.C. 4901-9-01-(B)(3), Complainant has failed to set forth reasonable grounds for complaint.
7. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, Duke Energy 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 Duke Energy Ohio's filed tariffs.
8. Duke Energy 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.
9. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
10. 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.
11. Duke Energy Ohio asserts as an affirmative defense that Complainant has failed to join a necessary party.

12. 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 respectfully moves this Commission to dismiss the Complaint of Glenn A. Ray 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 George A. McCright was served via regular US Mail postage prepaid, this 9th day of October 2009, upon the following:

Glenn A. Ray
5300 Hamilton Ave. Unit 400
Cincinnati, OH 45224



Amy B. Spiller