

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV

2010 FEB 16 PM 3:23

John L. Ondrovich
2020 Milton Street
Indian Springs, Ohio 45015
Mailing address:
1108 Sipple Ave
Hamilton, Ohio 45011

PUCO

Complainant,

Case No. 09-917-EL-CSS

v.

Duke Energy Ohio

Respondent

RESPONSE TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY
COMPLAINANT JOHN L. ONDROVICH

(January 8th 2010)

Notice,

I John L. Ondrovich did not receive the Interrogatories and Requests for Production of Documents by Duke Energy Ohio, until January 5th 2010. As it was mailed to the property in question as listed within my complaint, As listed within my complaint, Duke Energy has refused utility service to me at the address of 2020 Milton Street, Indian Springs, Ohio 45015 as of August 21st 2009.

I have since remained at 1108 Sipple Ave, Hamilton, Ohio 45011 and any and all correspondence should furthermore be mailed to my mailing address until this complaint is resolved.

I simply could not live in these winter weather conditions at the property in question of 2020 Milton Street, Indian Springs, Ohio 45015 without utility service.

Respectfully Submitted,



John L. Ondrovich
Mailing Address: 1108 Sipple Ave,
Hamilton, Ohio 45011

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RESPONSE TO INTERROGATORIES

1. **RESPONSE:** I, John L. Ondrovich of 2020 Milton Street, Indian Springs, Ohio 45015 Mailing Address: 1108 Sipple Ave. Hamilton Ohio 45011 513-546-7689 or 513-557-6493 am providing all information to respond to these interrogatories and request for production of documents.
2. **RESPONSE:** I, John L. Ondrovich was advised by Duke Energy Ohio's customer service department to contact the Ohio Public Utilities Commission regarding filing a complaint against Duke Energy Ohio.
3. **RESPONSE:**
(A) Property: 1108 Sipple Ave, Hamilton, Ohio 45011
(B) Purchase Date: November 13th 2001

(A) Property: 2020 Milton Street, Indian Springs, Ohio 45015
(B) Purchase Date: August 17th 2009
4. **RESPONSE:** I, John L. Ondrovich have been a previous utility customer of Duke Energy Ohio or one of its predecessor's The Cincinnati Gas & Electric Company or Cinergy beginning on or about November 1987 at the address of 717 Beechwood Ave, Cincinnati, Ohio ending April of the year 1992. During this time I was married to Carolyn J. Ondrovich whom I am now divorced from.
5. **RESPONSE:** Michael Luciano is my 31 year old son, whom has the given name of Jeramie Ondrovich. Michael Luciano aka Jeramie Ondrovich had legally changed his name in the year of 2001. Michael Luciano has provided me with a copy of his legal name change form provided from the court. This form is attached as "Exhibit A".
6. **RESPONSE:** I, John L. Ondrovich, paid Michael Luciano a total of \$8,500.00 on August 17th 2009 as down payment for the property located at 2020 Milton Street, Indian Springs, Ohio 45015, \$5,000.00 (Five Thousand Dollars) of this payment being cash and the remaining \$3,500.00 in construction services performed by me on a property located at 760 Kenworth Ave, Hamilton, Ohio 45013 that was once owned by Michael Luciano.

On, September 1st 2009 a payment of \$900.00 was made to Michael Luciano on the Land Installment Contract.

On, October 5th 2009 a payment of \$900.00 was made to Michael Luciano on the Land Installment Contract.

On, November 3rd 2009 a payment of \$900.00 was made to Michael Luciano on the Land Installment Contract.

On, December 2nd 2009 a payment of \$900.00 was made to Michael Luciano on the Land Installment Contract.

On, January 2nd 2010 a payment of \$900.00 was made to Michael Luciano on the Land Installment Contract.

All other fees, taxes, assessments relative to the property located at 2020 Milton Street, Indian Springs, Ohio 45015 are included within my payment on my Land Contract dated August 17th 2009.
7. **RESPONSE:** I, John L. Ondrovich have not made any payments to HSBC Mortgage Corporation. I have only made payments to Michael Luciano.

Michael Luciano then makes any and all payments due on the Mortgage relative to the property located at

2020 Milton Street, Indian Springs, Ohio 45015.

8. **RESPONSE:** No persons have resided with me at the property located at 2020 Milton Street, Indian Springs, Ohio 45015.

9. **RESPONSE:** Interrogatory No. 7 inquires about payments made to HSBC Mortgage Corporation and does not contain any information concerning the question of Interrogatory No. 9.

10. **RESPONSE:** Interrogatory No. 7 inquires about payments made to HSBC Mortgage Corporation and does not contain any information concerning the question of Interrogatory No. 10.

11. **RESPONSE:** I, John L. Ondrovich purchased the property on August 17th 2009 by means of Land Installment Contract and the utilities were disconnected on or about August 21st 2009. I was personally cleaning and preparing to move into the property in question at the time of utility disconnection, from my property located at 1108 Sipple Ave, Hamilton, Ohio 45011. I have never resided at the property located at 2020 Milton Street, Indian Springs, Ohio 45015 but have continued to make monthly payments as per my Land Installment Contract pending the result of my complaint against Duke Energy Ohio.

12. **RESPONSE:** I John, L. Ondrovich have been discriminated against by Duke Energy Ohio for the following reasons:

(A) Duke Energy Ohio has failed to recognize me as the new legal owner of the property located at 2020 Milton Street, Indian Springs, Ohio 45015, by means of a legal "Land Installment Contract" which is an executory agreement which by its terms is not required to be fully performed by one or more of the parties to the agreement within one year of the date of the agreement and under which the vendor agrees to convey title in real property located in this state to the vendee and the vendee agrees to pay the purchase price in installment payments, while the vendor retains title to the property as security for the vendee's obligation. pursuant to Chapter 5313.01 of the Ohio Revised Code.

Since I purchased the property located at 2020 Milton Street, Indian Springs, Ohio 45015 on a "Land Installment Contract" Duke Energy Ohio has refused me service as a new owner & applicant for service.

(B) Duke Energy Ohio has also discriminated against me for being the father of Michael Luciano aka Jeramie Ondrovich due to the fact that I purchased the property located at 2020 Milton Street, Indian Springs, Ohio 45015 from him, and they tell me that he owes an outstanding bill with them, therefore denying me utility service at the property located at 2020 Milton Street, Indian Springs, Ohio 45015, even though my son Michael Luciano is 31 years old and has not resided with me since he was a child.

13. **RESPONSE:** The utility (Gas & Electric) for the property I own located at 1108 Sipple Ave, Hamilton Ohio 45011 & the property owned by my mother Bessie Ondrovich located at 1005 Westview Ave, Hamilton, Ohio 45013 is the City of Hamilton Department of Public Utilities.

RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

1. **RESPONSE:** I do not have a copy of any contract for the property located at 2020 Milton Street, Indian Springs, Ohio 45015, as mentioned in this paragraph of the requests for production of documents.

However, I have attached a true and accurate copy of the Land Installment Contract for the property located at 2020 Milton Street, Indian Springs, Ohio. This attached copy confirms filing of the document with the Recorder's Office, Butler County, Ohio. "Known as Exhibit B".

2. **RESPONSE:** Interrogatory No. 5. Does not identify any fees, taxes, assessments, or services to which to provide a response. Interrogatory No. 5. Simply asks my relationship with Michael Luciano.

3. **RESPONSE:** All proof of payment regarding the Land Installment Contract between myself and Michael Luciano is attached and furthermore known as "Exhibit C".

4. **RESPONSE:** All proof of payment regarding the Land Installment Contract between myself and Michael Luciano is attached and furthermore known as "Exhibit C".

5. **RESPONSE:** All proof of payment regarding the Land Installment Contract between myself and Michael Luciano is attached and furthermore known as "Exhibit C".

6. **RESPONSE:** As mentioned in my response to Interrogatory No. 7, I, John L. Ondrovich have not made any payments to HSBC Mortgage Corporation. I have only made payments to Michael Luciano.

Michael Luciano then makes any and all payments due on the Mortgage relative to the property located at 2020 Milton Street, Indian Springs, Ohio 45015.

7. **RESPONSE:** I, John L. Ondrovich rely upon a legal Land Installment Contract attached and known as "Exhibit B" and furthermore rely on the following in which no attachment is required:

Duke Energy Ohio "Failed to follow its rules and regulations on file with the Ohio Public Utilities Commission for the following reason:

4901:1-18-11 Insufficient reasons for refusing or disconnecting service.

The company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

(A) Failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household.

I, John L. Ondrovich have been refused service as a new applicant for failure to pay for service furnished to a former customer of Duke Energy Ohio that does not reside in the same household.

I, John L. Ondrovich do not and will not reside with anyone that previously lived at the address in question of 2020 Milton Street Indian Springs, Ohio 45015.

I, John L. Ondrovich purchased the property from my 31 year old son Michael Luciano aka Jeramie Ondrovich on August 17th 2009 on a Land Installment Contract.

I, John, L. Ondrovich have never previously lived in the property located at 2020 Milton Street, Indian Springs, Ohio 45015 prior to August 17th 2009.

There are only two reasons in which service is being refused to me.

1. I purchased the property on a Land Installment Contract.
2. Michael Luciano aka Jeramie Ondrovich is my son.

If I would have purchased the property with a realtor, and pursued my own financing I would not have been refused service from Duke Energy Ohio.

Duke Energy Ohio is discriminatory towards me for failing to recognize my Land installment Contract dated August 17th 2009.

This is a legal form of ownership of real property as recognized with the State of Ohio under Chapter 5313.01 of the Ohio Revised Code.

8. **RESPONSE:** Duke Energy Ohio has not given me any documents relative to the events described within my complaint.

9. **RESPONSE:** I have no reports, opinions, correspondence, memoranda from any experts, I base my complaint on my own opinion(s) and facts.

Respectfully submitted,



John L. Ondrovich
1408 Sipple Ave,
Hamilton, Ohio 45011

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to the persons listed below via regular U.S. mail, postage paid, and by fax as requested, and by email this 8th day of January 2010.

Elizebeth H. Watts
Assistant General Counsel
Duke Energy Business Services
221 E. Fourth Street, 25 AT II
Cincinnati, Ohio 45202
Elizebeth.watts@duke-energy.com

Fax: 614-222-1337

Also Faxed ✓



John L. Ondrovich