

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of  
Emma Binford

Complainant

v.

Duke Energy Ohio, Inc

Respondent

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Case No. 09-669-EL-CSS

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Complainant's Brief

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I should prevail in this matter because Duke Energy Ohio Inc's (DE-Ohio) practices are unjust and unreasonable.

1. In March of 2010, I paid DE-Ohio a total of \$211.00 to restore my service under the Winter Rule at my home address, 3736 Beekman Street, Cincinnati, Ohio 45223. To date, DE-Ohio has not restored my service. I testified to this fact during the hearing on April 20, 2010. See page 14, lines 9, 10, and 11 of the Transcript. DE-Ohio did not dispute this fact.
2. Duke Energy Ohio, Inc elected to create a final bill and closed my account instead of complying with the Winter Reconnection Order. See Duke Energy Exhibit I, final bill dated March 1, 2010
3. DE-Ohio violated the Winter Reconnection Order
4. Furthermore, on May 8, 2009, Duke Energy Ohio Inc wrongfully terminated my electric service for account #1850-0503-22-6. This account was not delinquent on May 8, 2010. It was paid in full with a continuous credit balance from January of 2009 to May of 2009. I testified to these facts during the hearing on April 20, 2010. See the Transcript, page 13, lines 16 through 21; page 17 lines 22 to 25; and pages 18 to 19 in their entirety. DE-Ohio did not dispute these facts.
5. No problem existed with account #1850-0503-22-6 from January 2009 to May 8, 2010. Nevertheless, DE-Ohio disconnected the service to this account.

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6. DE-Ohio violated the Ohio Administrative Codes. See Complainant Exhibit I, paragraphs 1 and 2 along with the related Attachments including Attachment 8-A paragraph (I)(3) of rule 4901:1-10-05 of the OAC. Also, see the Transcript, page 20, lines 21 to 23; page 21, lines 1 through 13.
7. DE-Ohio did not leave a disconnection notice at my residence at 3736 Beekman Street on the day the company disconnected my service for the account identified above. I never received the required disconnection notice. During the hearing, I testified to this fact. See page 13, lines 22 to 24 of the Transcript and page 21, lines 13 to 20 of the Transcript. DE-Ohio did not dispute this fact
8. DE-Ohio violated the Ohio Administrative Codes (OAC) and the Ohio Revised Codes (ORC). See Complainant Exhibit I, paragraph 4 along with the related attachments.
9. In addition, since I work during the day, I hand-delivered my only key to my ground-level single locked basement door to a company representative at the Linn Street Office more than seven years ago. The lock on my basement door has not changed. Yet, DE-Ohio has estimated over 33 billing statements from February 2007 to the Final billing of March 1, 2010. I testified to these facts during the hearing on April 20, 2010. See page 14, lines 12 to 16. Also, see Complainant Exhibit I, paragraph 9 along with related Attachments and Duke Energy Exhibit I, all billing statements
10. I live by myself. Again, I work during the day. On November 5, 2008 and October 8, 2007, the meter was read by a DE-Ohio representative. See Complainant Exhibit I, paragraph 9 along with related Attachments and Duke Energy Exhibit I, all billing statements.
11. DE-Ohio violated the Ohio Administrative Codes (OAC). See Complainant Exhibit I, paragraph 9 along with related Attachment 8-A including paragraph (I)(1),(3) of rule 4901:1-10-05 of the OAC
12. Furthermore the final billing dated March 1, 2010 was estimated. See Duke Exhibit I, billing statement dated March 1, 2010.
13. DE-Ohio violated paragraph (I)(3) of rule 4901:1-10-05 of the OAC. See Attachment 8-A
14. I have not received my basement door key. I testified of this fact during the hearing on April 20, 2010. See page 15, lines 20 to 25 and page 16, line 1
15. Finally, I have been deprived of service for more than 370 days to date and I dispute any balance due.

Based on the foregoing information and the information provided in the Records, Duke Energy Ohio, Inc practices are unjust and unreasonable, even inhumane.

Therefore, I request the Commission the rule in my favor.

Respectfully submitted



Emma Binford  
Complainant

### Certificate of Service

I certify that a copy of the foregoing was served on the following party on this 18<sup>th</sup> day of May, 2010 via regular mail, postage paid

Elizabeth H Watts  
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Cincinnati, Ohio 45201-0960



Emma Binford  
Complainant