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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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2010 JUN -7 PM 4:18

PUCO

Tim McLaughlin  
1744 Collinspark  
Cincinnati, OH 45230

Complainant,

v.

Duke Energy Ohio

Respondent

Case No. 10-665-EL-CSS

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ANSWER OF DUKE ENERGY OHIO

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For its Answer to the Complaint of Tim McLaughlin (Complainant), Duke Energy Ohio, Inc.  
(Duke Energy Ohio or Company) states as follows:

1. Duke Energy is without sufficient knowledge or information at this time to either admit or deny the allegation of paragraph one of the Complaint and thus denies the same. The Company attaches hereto as Attachment A the report from the January 15, 2010 inspection at complainant's property, 6083 Salem Road, Cincinnati, Ohio 45230.
2. With respect to the allegations contained in paragraph two in this section of the Complaint, Duke Energy Ohio is without sufficient knowledge or information at this time to either admit or deny the allegations in paragraph four of the Complaint and thus denies the same.
3. The allegations contained in paragraph three of the Complaint do not contain any factual allegations to which a response is required. However, to the extent a response is required, Duke Energy Ohio denies the same.

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4. Duke Energy Ohio is without sufficient knowledge or information at this time to either admit or deny the allegations in paragraph four of the Complaint and thus denies the same.

#### **AFFIRMATIVE DEFENSES**

5. 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.
6. 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.
7. 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.
8. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
9. 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.
10. Duke Energy Ohio asserts as an affirmative defense that Complainant has failed to join a necessary party.

11. 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 Tim McLaughlin for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief.

Respectfully submitted,



Amy B. Spiller

Associate General Counsel

Elizabeth H. Watts

Assistant General Counsel

Duke Energy Business Services Inc.

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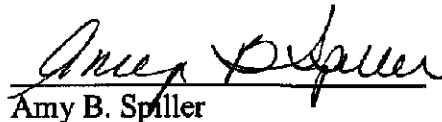
fax: (513) 419-1846

email: amy.spiller@duke-energy.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to the complaint of Tim McLaughlin was served via regular US Mail postage prepaid, this 7<sup>th</sup> day of June 2010, upon the following:

Tim McLaughlin  
1744 Collinspark  
Cincinnati, OH 45230



Amy B. Spiller