

FILE

March 11 2011

PUCO  
Docketing  
180 E. Broad St.  
Columbus, Ohio 43215

5  
RECEIVED-DOCKETING DIV

2011 MAR 14 PM 12:56

PUCO

Re; PUCO case # 10-791-el-css  
Motion to compel discovery

Gentlemen/ Ladies

Enclosed are our January 10<sup>th</sup> 2011 request for discovery and Duke's January 28<sup>th</sup> 2011 response.  
We feel our requests were reasonable and Duke's response is unreasonable.

1. Copy of the disconnect notice that was in force on April 15, 2010.

Respondent objects because these documents are not relevant.

The document we are requesting is relevant.

- 1&2 "Respondent states it does not retain copies of disconnect notices posted or delivered to customers..." This response was signed by Robert A McMahon on January 28, 2011.

On October 25, 2010 Robert A McMahon signed the Direct Testimony of Cynthia Marie Givens.

Enclosed is a copy of page 5 of that testimony. Ms. Givens states in part "There is a record for every address for the history of the account, the most recent two years of information is immediately accessible in the system."

3. A thru K. All the conversations and documents are relevant.
4. We are seeking this information so we might subpoena several of them. Their testimony is relevant as is all correspondence regarding this matter.
5. This is relevant.
6. This is relevant however the response is satisfactory.
7. This is relevant. We are and are looking for the name of one supervisor not, "certain supervisors."
8. This is relevant.
9. A copy of our complete utility records for the past five years for the following addresses;

1. 3718 Hutton St. Cincinnati, Ohio 45226
2. 1923 John Gray Rd. Cincinnati, Ohio 45240
3. 61 Hunters Ct. Amelia, Ohio 45102

This question is relevant.

Duke spoke with Stephanie Carson [see3E] on March 29<sup>th</sup> 2010. They told PUCO investigator, Cindi Mack, that they only spoke with Ms. Carson because she was Brenda's

This is to certify that the images appearing are an accurate and complete reproduction of the file document delivered to the provider records of business technician  
Date processed 3/14/11

Re; PUCO case # 10-791-el-css  
Motion to compel discovery


daughter. Ms. Carson is not Brenda's daughter but even if she were Brenda's daughter they still should not have discussed our private affairs with her. Subsequently they have indicated that she might be Brenda's daughter-in-law or have some other connection to Brenda. All these assertions are wrong, but even if Ms. Carson were all of these they still have no right to discuss our account with her.

On September 7, 2010 at the hearing in PUCO's office we inquired why we had to pay \$ 478.00 on April 19, 2010. Mr. McMahon and the Duke customer service representative examined all the records they had and told us and the PUCO representative " We don't know ". This was five months after we had paid the money.

Subsequently they said they think this money was transferred from an account Ms. Carson had with Duke. We paid the money. Now Duke says they must protect confidential information relating to a third party. Third party concerns did not stop Duke in March 2010.

Now we, Gerard, Brenda, and Stevie Fitzgerald, make a request for the records that are in Stevie's name. Stevie is our daughter. All three of us signed the request. They have refused to give us these records because " Respondent cannot and will not produce such confidential records regardless of any purported waivers signed by ' Stevie Fitzgerald '."

Duke Energy discusses our account with Ms. Carson, compels us to pay her bill, will not give us any information about Ms. Carson, discusses our account with her and refuses to give us Stevie's records.

  
Gerard Fitzgerald  
61 Hunters Ct.  
Amelia, OH 45102  
513-752-3951

We are sending a copy of this to Robert A. McMahon.

1       when Mr. and Mrs. Fitzgerald called DE-Ohio on April 15, 2010, to restore the  
2       gas and electric services at the Hunters Court Account.

3   **Q.   ARE YOU FAMILIAR WITH MS. FITZGERALD'S JOHN GRAY**  
4   **ACCOUNT AND HUNTERS COURT ACCOUNT?**

5   A.   Yes.

6   **Q.   PLEASE EXPLAIN HOW YOU ARE FAMILIAR WITH THOSE**  
7   **ACCOUNTS.**

8   A.   I personally researched DE-Ohio's records for Ms. Fitzgerald's John Gray  
9       Account and Hunters Court Account. DE-Ohio keeps and maintains customer  
10      account information in a comprehensive computer database called the Customer  
11      Management System (CMS). CMS is used by all call center, receivables and  
12      customer service personnel, and is used to keep track of service requests,  
13      customer calls, inquiries, turn on orders, billing, account status and histories.  
14      CMS has been the single customer management system used by DE-Ohio and its  
15      predecessor, CG&E, since 1993. There is a record for every account at every  
16      address for the history of the account. The most recent two years of information is  
17      immediately accessible in the system. Account histories and customer bills  
18      beyond two years are archived and accessible through data inquiries.

19               When a customer calls in regarding their account, a notation is made in the  
20      account describing the inquiry. If service is requested, such as a turn on, repair  
21      request or meter test, a notation is made of the request. The dates of the service  
22      request are noted in the record and any special instructions are noted.

FILE

RECEIVED - BOOKETING DIV

2011 MAR 14 PM 1:01

PUCO

January 10, 2011

Robert A. McMahon  
2321 Kemper lane, Suite 100  
Cincinnati, OH 45206

Re: PUCO case number: 10-791-el-css

Dear Mr. McMahon :

We are requesting discovery in the above mentioned case, please forward the files to us.

Brenda and Gerard Fitzgerald  
61 Hunters Court  
Amelia, OH 45102

1. Copy of the disconnect notice that was in force on April 15, 2010.
2. Copy of the how this disconnect notice was conveyed to the Fitzgeralds.
3. Copies of all the conversations between the Fitzgeralds and Duke Energy.
  - a. Copy of the conversation between Brenda and Duke Energy on the morning of April 15, 2010
  - b. Copies of the two conversations between Duke Energy and Gerard on the morning of April 15, 2010
  - c. Copy of the conversation between Duke Energy and Gerard on the morning of April 16, 2010
  - d. Copies of all conversations between Gerard and Duke Energy on April 19, 2010
  - e. Copy of the conversation between Duke Energy and Stephanie Carson on March 29, 2010
  - f. Copy of the conversation between Brenda and Duke Energy on March 29, 2010
  - g. Copies of any other conversations Brenda had with Duke Energy in 2010
  - h. Copies of all conversations between Pam Ball and PUCO
  - i. Copies of any other conversations between any Duke Energy employees and PUCO regarding this matter.
  - j. Copies of all conversations between all Duke Energy employees regarding this matter.
  - k. Copies of all Duke Energy correspondence both internal and external regarding this matter.
4. The names and addresses, both home and business, of all the above Duke Energy employees that we have had conversations with.

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  
Technician ADN Date Processed 3/14/11

January 10,2011

Discovery PUCO case # 10-791-el-css

5. The job titles and job discriptions of all Duke Energy employees that we have had conversations with.
6. The names and addresses of any lawyers or law firms that represent Duke Energy or their employees in this matter.
7. The name, address, title and job discription of the lowest common supervisor of all the Duke Energy employees that have been involved in this matter.
8. Approximately how many residential customers did Duke Energy service in the state of Ohio on April 15 2010
9. A copy of our complete utility records for the past five years. The addresses we lived at are;

3718 Hutton Street Cincinnati, Ohio 45226  
1923 John Gray Rd. Cincinnati, Ohio 4524  
61 Hunters Court Amelia, Ohio 45102

Thank You,

Gerard Fitzgerald

Brenda Fitzgerald

Stevie Fitzgerald

Stevie is signing this request so Duke Energy will not be constrained by any privacy issues about the Hutton address.

Copy Kerry K. Sheets