

Subs 4 U LLC
7245 Clubhouse Court
West Chester, OH 45069

V.

Respondent.

Case No. 12-1951-GA-CSS

For its Amended Answer to the Complaint of Subs 4 U LLC (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

1. Duke Energy Ohio denies all allegations of the Complaint filed June 28, 2012.

2. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
3. 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.
4. 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 its customer according to all applicable provisions of Title 49 of the Ohio

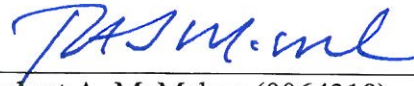
Revised Code and regulations promulgated thereunder, and in accordance with all of Duke Energy Ohio's filed tariffs.

5. Duke Energy Ohio asserts as an affirmative defense that Complainant is not registered or otherwise authorized to conduct business in the State of Ohio and, therefore, lacks standing to assert any claims against the Company in these proceedings.
6. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-13-11 and R.C. 4933.28.
7. Duke Energy Ohio asserts as an affirmative defense that Complainant's property has a gas meter. Therefore, Duke Energy Ohio is entitled to recover a minimum service charge on a monthly basis in accordance with O.A.C. 4901:1-13-11 and the Company's tariffs on file with the Commission.
8. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief, including relief which may 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 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, Inc. respectfully moves this Commission to dismiss the Complaint of Subs 4 U LLC for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,



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Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served via regular US Mail, postage prepaid, this 18th day of July, 2012 upon the following:

Subs 4 U LLC

7245 Clubhouse Court

West Chester, OH 45069



Robert A. McMahon

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 12-1951-GA-CSS

Summary: Answer Amended Answer of Duke Energy Ohio electronically filed by Carys Cochern on behalf of Duke Energy