BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

TIM CARTER 3885 Malaer Drive Sharonville, Ohio 45241 Complainant vs. **Duke Energy Ohio, Inc.** Respondent	)	Case No. 12-2214-EL-CSS

ANSWER OF DUKE ENERGY OHIO, INC.

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

1. Complainant's complaint is not in a form allowing for specific admission or denial as to individual allegations. Accordingly, Duke Energy Ohio generally denies the allegations set out therein.

2. In response to the allegations contained in the Complaint, Duke Energy Ohio denies that its Smart Meters violate federal law or cause a health risk.

3. In response to the allegations contained in the Complaint, Duke Energy Ohio further denies the allegation contained in the complaint that its actions were unjust, unreasonable, or otherwise in violation of any applicable law, regulation, Public Utilities Commission of Ohio (Commission) order, or of its Commission-approved tariffs.

4. Duke Energy Ohio denies the remainder of the allegations not specifically addressed in this Answer.

AFFIRMATIVE DEFENSES

1. Duke Energy Ohio denies each and every fact and conclusion of law not expressly admitted herein.

2. 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.

3. 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.

4. 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.

5. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.

6. 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.

7. 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 Carter for failure to set forth reasonable grounds for the complaint and to deny Complainant's Request for Relief.

Respectfully submitted,

Elizabeth H. Watts /jkc

Amy B. Spiller (0047277)
State Regulatory General Counsel
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street, 1303-Main
P.O. Box 960
Cincinnati, Ohio 45201-0960
(614) 222-1331 (telephone)
(614) 222-1337 (fax)
amy.spiller@duke-energy.com
elizabeth.watts@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to the complaint of Tim Carter was served via ordinary US Mail, postage prepaid, this 21st day of August 2012, upon the following:

Tim Carter
3885 Malaer Drive
Sharonville, Ohio 45241

Elizabeth H. Watts /jkc

Elizabeth H. Watts

Summary: Answer Answer of Duke Energy Ohio, Inc. electronically filed by Miss Kristen Cocanougher on behalf of Duke Energy Ohio and Watts, Elizabeth Mrs.