

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Mary A. Lowery</b>	)	
2918 Glenway Ave.	)	
Cincinnati, Ohio 45204	)	
	)	
Complainant	)	
	)	
v.	)	Case No. 12-2949-GA-CSS
	)	
<b>Duke Energy Ohio, Inc.</b>	)	
	)	
Respondent	)	

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**ANSWER OF DUKE ENERGY OHIO, INC.**

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For its Answer to the Complaint of Mary A. Lowery (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Respondent) 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 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.
3. Duke Energy Ohio is charging Plaintiff according to its Commission approved charges.
4. Duke Energy Ohio denies the remainder of the allegations not specifically addressed in this Answer.

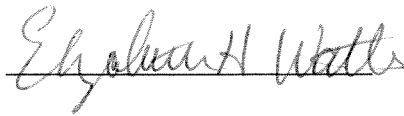
### **AFFIRMATIVE DEFENSES**

1. 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.
2. 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.
3. 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.
4. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
5. 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.
6. 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 Mary A. Lowery for failure to set forth reasonable grounds for the complaint and to deny Complainant's Request for Relief.

Respectfully Submitted,

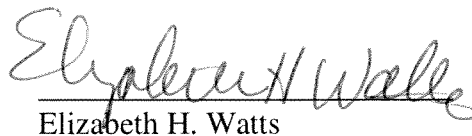


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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to the complaint of Mary A. Lowery was served via regular US Mail postage prepaid, this 3rd day of December 2012, upon the following:

Mary A. Lowery  
2918 Glenway Ave.  
Cincinnati, Ohio 45204



Elizabeth H. Watts

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/3/2012 10:31:02 AM**

**in**

**Case No(s). 12-2949-GA-CSS**

Summary: Answer Answer of Duke Energy Ohio, Inc. electronically filed by Carys Cochern  
on behalf of Watts, Elizabeth H. Ms.