

FILE



Western Tennis & Fitness Club

13-1769-EL-CSS

19

5490 Muddy Creek Road • Cincinnati, Ohio 45238

Phone: (513) 451-4233 • Fax: (513) 922-6411

August 6, 2013

Public Utilities Commission of Ohio  
Docketing Division  
180 E. Broad Street  
Columbus, OH 43215-3793

Re: Western Tennis & Fitness Club, LLC vs. Duke Energy Corporation.

Account No. 0270-0832-02-6

Dear Sir or Madam:

For filing with the Public Utilities Commission of Ohio, enclosed please find one original and ten copies of the Formal Complaint in the above matter.

Thank you for your courtesy and your attention to this matter.

Very truly yours,

Bobbie W. Farley, Esq.  
Co-Owner and In-House Counsel  
Ohio Attorney Registration 0000463

RECEIVED-DOCKETING DIV

2013 AUG -9 AM 11:58

PUCO

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# Public Utilities Commission

Case Number

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

Formal Complaint Form 13-1769-EL-CSS

Western Tennis & Fitness Club, LLC  
Customer Name (Please Print)

5490 Muddy Creek Road  
Customer Address

Cincinnati OH 45238  
City State Zip

Against

0270-0832-02-6  
Account Number

Customer Service Address (if different from above)

Duke Energy Corporation  
Utility Company Name

City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

Please see attached complaint and exhibits.

Bobbie M. Farley, Esq.  
Signature

513-451-4233  
Customer Telephone Number

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Western Tennis and Fitness Club, LLC,

Complainant,

vs.

Case No. \_\_\_\_\_

Duke Energy Corporation

Respondent..

**COMPLAINT**

Pursuant to Ohio Revised Code Chapter 4905 and Ohio Administrative Code 4901-9-01, now comes Western Tennis and Fitness Club, LLC, an Ohio limited liability company (WesternTFC), the Complainant, by and through its co-owner and in-house counsel and states the following for its Complaint against Duke Energy Corporation (Duke Energy), the Respondent.

**STATEMENT OF FACTS**

1. WesternTFC was organized as a limited liability company on August 23, 2004, by James L. Farley and Bobbie W. Farley, who are its sole members.
2. By Lease Agreement dated August 31, 2004, WesternTFC leased property owned by Redbird Properties, LLC (Redbird) located at 5490 Muddy Creek Road, Cincinnati, OH 45238 and operates a tennis, fitness, and swim club at said location.
3. WesternTFC receives electric utility service from Duke Energy, which is a public utility regulated by the Public Utilities Commission of Ohio (PUCO) and is the successor to Cinergy/CG&E.
4. In conjunction with WesternTFC's conducting an energy audit in the latter part of 2012, WesternTFC discovered it had been wrongfully billed for the period September 3, 2004, to December 11, 2012, for outdoor lighting located at 5492 Muddy Creek Road, Cincinnati, OH

45238, which property is adjacent to the property leased by WesternTFC located at 5490 Muddy Creek Road.

5. As a part of its investigation into the billed overcharges, WesternTFC contacted Duke Energy at its office in Cincinnati.

6. Duke Energy's Project Coordinator, Sherry Harrison, visited the business location of WesternTFC at 5490 Muddy Creek Road, as well as the adjacent property located at 5492 Muddy Creek Road, operated as West Side Storage & Truck Rental (West Side) and confirmed that 18 of 20 outdoor lights that had been billed to WesternTFC were located on property at 5492 Muddy Creek Road operated as West Side since April 2011.

7. On the date of August 31, 2004, when the property located at 5490 Muddy Creek Road was leased by Redbird to WesternTFC until April 2011, the property located at 5492 Muddy Creek Road was operated as The Attic, a storage facility.

8. In April 2011 the property located at 5492 Muddy Creek Road was sold and since that time has been operated as West Side.

9. The 20 Outdoor Lighting (OL) fixtures are described on **Account 0270-0832-02-6** bills paid by WesternTFC as:

- a. Quantity – 5; 22,000 Lumens; Type – High Press Sodium
- b. Quantity – 12; 21,000 Lumens, Type – Mercury Vapor
- c. Quantity – 3; 7,000 Lumens; Type – Mercury Vapor

10. The findings of Duke Energy's Project Coordinator that 18 of the 20 outdoor lights that had been billed to, and paid by, WesternTFC since September 3, 2004, were located on the adjacent property of West Side were filed with Duke Energy's Light Billing Department. A copy of a drawing identifying the location of the 20 outdoor lights is attached as Exhibit A. (Note: Some of the poles contain more than one fixture.)

11. As a result of the findings by Duke Energy's Project Coordinator, WesternTFC determined that it had been wrongfully charged by Cinergy CG&E/Duke Energy for 18 outdoor lights that were not located on its property, nor did WesternTFC benefit from the illumination of these lights due to their locations.

12. As part of the investigation by WesternTFC, WesternTFC contacted PUCO to report that it had been overcharged for outdoor lighting that was not located on its property for the period September 3, 2004, to December 11, 2012.

13. WesternTFC has reviewed and recorded all the monthly charges for the 20 outdoor lights as stated on Cinergy CG&E/Duke Energy's statements for the time period September 3, 2004, through December 11, 2012, which charges are set forth in Exhibit B.

14. On February 6, 2013, a representative of WesternTFC called PUCO's complaint line concerning the overcharges and received an informal complaint number of BFAR020613.

15. PUCO's Customer Service Investigator subsequently informed WesternTFC that West Side had contacted Duke Energy and had "agreed to take ownership" for 18 of the 20 outdoor lighting charges subsequent to the date West Side began operation of its business on the property located at 5492 Muddy Creek Road in April 2011.

16. A representative of Duke Energy's office in Cincinnati advised WesternTFC that in a situation such as the one involving WesternTFC and Duke Energy that Duke Energy is required "to go back only for a period of two years."

17. Duke Energy subsequently adjusted WesternTFC's **Account No. 0270-0832-02-6** on the bill prepared on February 6, 2013, in the amount of \$1876.67, for the time period February 13, 2012, to December 11, 2012, and described by Duke Energy as "Canceled Charges: OL Charges." A copy of this bill is attached as Exhibit C.

18. Further, an adjustment of \$2293.25 was made on WesternTFC's **Account No. 0270-0832-02-6** by Duke Energy on the bill prepared on February 27, 2013. This adjustment was for the time period January 2011-January 2012. A copy of this bill is attached as Exhibit D.

19. Subsequent to the receipt by WesternTFC of the two adjustments by Duke Energy, Duke Energy's representative was asked if the adjustments that had been made to WesternTFC's account were made as a result of West Side's agreeing to pay the charges for 18 of the 20 outdoor lights beginning at the time West Side began operation of its business at 5492 Muddy Creek Road in April 2011, and Duke Energy's representative responded that she was not at liberty to discuss West Side's account with Duke Energy and was only at liberty to discuss WesternTFC's account with Duke. Duke Energy's representative further stated that the second adjustment described in Paragraph 18 above was provided to WesternTFC "as a courtesy."

20. In response to a contact made to West Side to confirm that it had paid the charges for 18 of the 20 outdoor lights for the time period April 2011 (when West Side began operation of its business at 5492 Muddy Creek Road) to January 2013, West Side's representative would only state that he "had paid some big bills to Duke recently."

21. If in fact West Side did agree "to take ownership" of 18 of the 20 outdoor lights as referenced in Paragraph 15 above and did pay Duke Energy for the 18 outdoor lights for the time period beginning in April 2011 when West Side began the operation of its business at 5492 Muddy Creek Road, then in effect Duke Energy did not provide any real credits to WesternTFC, rather, the only adjustments received by WesternTFC were a result of West Side's agreeing "to take ownership" of 18 of the 20 outdoor lighting charges subsequent to April 2011 and were not as a result of Duke Energy's "going back for a period of two years" to make the adjustments.

22. Duke Energy's representative subsequently provided WesternTFC with a copy of PUCO Electric No. 19, Sheet 25.6, effective July 13, 2009, that provides in Section VI as follows:

5. Bill Adjustment – Overcharges will be refunded to the customer for the entire period of inaccurate billing *if that period is discernible*. ....

A copy of P.U.C.O. Electric No. 19, Sheet No. 25.6, is attached as Exhibit E.

23. The discernible time period during which WesternTFC was wrongfully charged for 18 of the 20 outdoor lights that were located on property WesternTFC did not lease can be determined by considering other charges that were wrongfully billed to WesternTFC on a

separate account for the period September 10, 2004, to January 13, 2005, a 4-month time period that began when WesternTFC leased the property at 5490 Muddy Creek Road.

24. From September 10, 2004, to January 13, 2005, WesternTFC was wrongfully billed by Cinergy CG&E, Account No. 6350-0752-23-0, for electric service for a building on property located at 5492 Muddy Creek Road described on bills prepared by Cinergy CG&E as "Bldg: G," which was the site of the office for the business known as The Attic and operated at 5492 Muddy Creek Road at that time and since April 2011 operated by new ownership as a storage facility known as West Side. A copy of the first bill that could be found in the files of WesternTFC prepared on October 12, 2004, and a copy of the final bill sent to WesternTFC for Bldg: G prepared on January 14, 2005, both of which bills include the time period from September 10, 2004, to January 13, 2005, and reflect a discernible time period when wrongful charges for electric service were made to WesternTFC. Both bills described herein are attached as Exhibit F. (Note: Only page 1 of the bill prepared on October 12, 2004, could be located.)

25. On or about January 13, 2005, the billing for the electric service for Bldg: G located at 5492 Muddy Creek Road (Account No. 6350-0752-23-0) was transferred from WesternTFC to The Attic. It is at this discernible point in time, *i.e.*, January 13, 2005, when it had been determined that WesternTFC had been wrongfully billed for electric service to Bldg: G that the billings for 18 of the 20 outdoor lights that were also located at 5492 Muddy Road should have been transferred to 5492 Muddy Creek Road.

26. The total billed charges for all 20 outdoor lights from September 3, 2004, to December 11, 2012, were \$24,182.26, as set forth on Exhibit B. All charges for this time period were paid by WesternTFC.

27. Ninety per cent of the charges (18 of 20 outdoor lights) in the amount of \$21,764.03 for the entire period of September 3, 2004, to December 11, 2012, that were paid by WesternTFC were for outdoor lights located at 5492 Muddy Creek Road and were wrongful and unjust charges made by Cinergy CG&E/Duke Energy to WesternTFC.

## REQUEST FOR RELIEF

WHEREFORE, WesternTFC respectfully requests that the Commission:

1. Find that Duke Energy provided adjustments to charges billed to WesternTFC only as a result of West Side, the operator of the business located at 5492 Muddy Creek Road, agreeing “to take ownership” for 18 of the 20 outdoor lights located on its property; thereby, resulting in Duke Energy’s providing no actual credits of two years to WesternTFC.

2 Find that Duke Energy failed to follow PUCO Electric No. 19, Sheet 26.A. by not transferring the inaccurate billing of 18 of 20 outdoor lights located on property adjacent to WesternTFC’s leased property for the time period September 3, 2004, to December 11, 2012, to the rightful user of the electric service at 5492 Muddy Creek Road when the date of January 13, 2005, was a discernible date on which billings related to services provided to Bldg: G on Account No. 6350-0752-23-0 were transferred from WesternTFC to the rightful user; however, on said date of January 13, 2005, billings for **Account No. 0270-0832-02-6** were not transferred from 5490 Muddy Creek Road to 5492 Muddy Creek Road and resulted in overcharges being billed to WesternTFC..

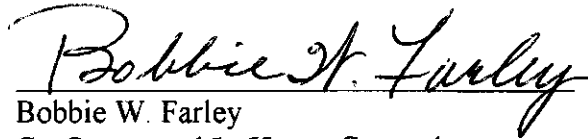
3. Find that as a result of the billings for 18 of the 20 outdoor lights not having been transferred to 5492 Muddy Creek Road, WesternTFC was wrongfully charged for 18 of the 20 outdoor lights for the period September 3, 2004, to December 11, 2012, and that the overcharges were unreasonable, unjust, and unlawful and resulted in harm to WesternTFC.

4. Order that Duke Energy refund 90 per cent of the charges wrongfully billed to, and paid by, WesternTFC in the amount of \$17,594.11 as calculated on Exhibit B, page 3 ( $\$24,182.26 \times 90\% = \$21,764.03$  less \$4169.92 credits applied by Duke Energy = \$17,594.11), which overcharges should have terminated no later than the discernible date of January 13, 2005, the date on which billings for Bldg: G located on property at 5492 Muddy Creek Road were transferred to said property and were no longer billed to WesternTFC’s location at 5490 Muddy Creek Road.

5. Grant such other relief as the Commission may deem reasonable and appropriate.



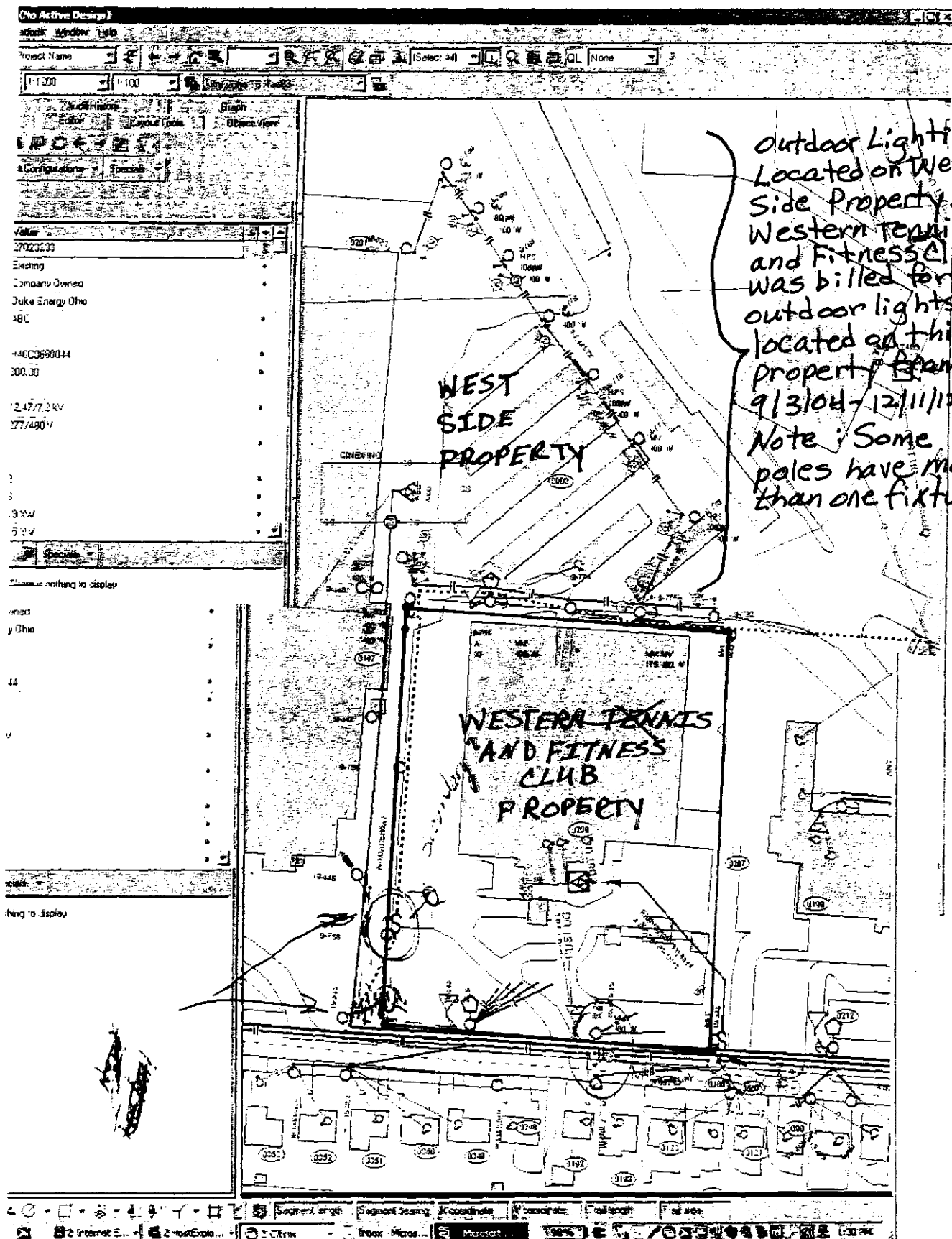
Respectfully submitted,

A handwritten signature in cursive script that reads "Bobbie W. Farley". The signature is written in black ink and is positioned above the printed contact information.

Bobbie W. Farley  
Co-Owner and In-House Counsel  
Western Tennis and Fitness Club, LLC  
5490 Muddy Creek Road  
Cincinnati, OH 45238  
Telephone: 513-451-4233  
Facsimile: 513-922-6411  
bobbiefarley@westernafc.com

COUNSEL FOR COMPLAINANT  
WESTERN TENNIS & FITNESS CLUB, LLC

## EXHIBIT A



## Exhibit B

### Western Tennis and Fitness Club, LLC

#### Outdoor Lighting Charges – September 3, 2004 to December 11, 2012

Account No. 0270-0832-02-6

17 outdoor lighting @ Rate OLF

3 outdoor lighting @ Rate OLO

<u>2004</u>			<u>2005</u>		
<u>Date</u>	<u>kWh</u>	<u>Charge</u>	<u>Date</u>	<u>kWh</u>	<u>Charge</u>
9/3-9/10	595	60.83	12/10/04-1/13/05	2546	261.13
9/10-10/11	2546	261.10	1/13-2/11	2546	276.77
10/11-11/9	2546	261.10	2/11-3/14	2546	276.77
11/9-12/10	<u>2546</u>	<u>261.10</u>	3/14-4/13	2546	282.54
Total	8233	844.13	4/13-5/12	2546	282.54
			5/12-6/13	2546	282.54
			6/13-7/13	2546	294.36
			7/13-8/11	2546	294.36
			8/11-9/12	2546	294.36
			9/12-10/11	2546	307.31
			10/11-11/9	2546	307.31
			11/9-12/12	<u>2546</u>	<u>317.73</u>
			Total	30,552	3477.72

<u>2006</u>			<u>2007</u>		
<u>Date</u>	<u>kWh</u>	<u>Charge</u>	<u>Date</u>	<u>kWh</u>	<u>Charge</u>
12/12/05-1/3/06	1762	218.99	12/11/06-1/2/07	1762	221.13
1/3-1/13	801	102.77	1/2-1/12	801	101.72
1/13-2/13	2546	327.99	1/12-2/12	2546	324.85
2/13-3/14	2546	327.99	2/12-3/13	2546	323.69
3/14-4/12	2546	314.50	3/13-4/12	2546	325.34
4/12-5/11	2546	314.50	4/12-5/11	2546	325.34
5/11-6/12	2546	314.50	5/11-6/12	2546	320.67
6/12-7/12	2546	301.72	6/12-7/12	2546	342.27
7/12-8/10	2546	301.72	7/12-8/10	2546	342.27
8/10-9/11	2546	301.72	8/10-9/11	2546	342.27
9/11-10/10	2546	308.68	9/11-10/10	2546	321.63
10/10-11/8	2546	308.68	10/10-11/8	2546	321.27
11/8-12/11	<u>2546</u>	<u>306.79</u>	11/8-12/11	<u>2546</u>	<u>323.16</u>
Total	30,569	3750.55	Total	30,569	3935.61

Exhibit B – Page 2

<u>2008</u>			<u>2009</u>		
<u>Date</u>	<u>kWh</u>	<u>Charge</u>	<u>Date</u>	<u>kWh</u>	<u>Charge</u>
12/11/07-1/14/08	2546	316.38	12/11/08-1/14/09	2546	195.55
1/14-2/12	2546	221.01	1/14-2/12	2546	195.23
2/12-3/12	2546	195.55	2/12-3/13	2546	195.23
3/12-4/11	2546	195.55	3/13-4/14	2546	195.23
4/11-5/12	2546	195.55	4/14-5/13	2546	195.23
5/12-6/11	2546	195.55	5/13-6/12	2546	195.23
6/11-7/11	2546	195.55	6/12-7/14	2546	195.23
7/11-8/11	2546	195.55	7/14-8/12	2546	207.75
8/11-9/10	2546	195.55	8/12-9/11	2546	207.75
9/10-10/9	2546	195.55	9/11-10/12	2546	207.75
10/9-11/7	2546	195.55	10/12-11/10	2546	207.75
11/7-12/11	<u>2546</u>	<u>195.55</u>	11/10-12/11	<u>2546</u>	<u>207.75</u>
Total	30,552	2492.89	Total	30,552	2405.68

<u>2010</u>			<u>2011</u>		
<u>Date</u>	<u>kWh</u>	<u>Charge</u>	<u>Date</u>	<u>kWh</u>	<u>Charge</u>
12/11/09-1/4/10	1806	147.76	12/13/10-1/4/11	1762	136.15
1/4-1/14	752	61.45	1/4-1/14	801	61.73
1/14-2/12	2546	209.00	1/14-2/14	2546	197.87
2/12-3/15	2546	209.00	2/14-3/15	2546	197.87
3/15-4/14	2546	209.00	3/15-4/13	2546	205.30
4/14-5/13	2546	209.00	4/13-5/13	2546	205.30
5/13-6/14	2546	209.00	5/13-6/14	2546	205.30
6/14-7/14	2546	209.00	6/14-7/14	2546	197.90
7/14-8/12	2546	209.00	7/14-8/12	2546	197.90
8/12-9/13	2546	209.00	8/12-9/13	2546	197.90
9/13-10/12	2546	209.00	9/13-10/12	2546	197.90
10/12-11/10	2546	209.00	10/12-11/10	2546	197.95
11/10-12/13	<u>2546</u>	<u>210.19</u>	11/10-12/13	<u>2546</u>	<u>197.95</u>
Total	30,564	2509.40	Total	30,569	2397.02

<b><u>2012</u></b>		
<u>Date</u>	<u>kWh</u>	<u>Charge</u>
12/13/11-1/13/12	2546	213.33
1/13-2/13	2546	213.33
2/13-3/13	2546	213.33
3/13-4/12	2546	213.33
4/12-5/11	2546	213.33
5/11-6/12	2546	213.33
6/12-7/12	2546	213.33
7/12-8/10	2546	213.33
8/10-9/11	2546	213.33
9/11-10/10	2546	209.80
10/10-11/8	2546	209.76
11/8-12/11	<u>2546</u>	<u>209.76</u>
Total	30,552	2369.29

**Total Charges Paid by Complainant, Western Tennis and Fitness Club, to Cinergy CG&E/Duke Energy - September 3, 2004, to December 11, 2012**

September 3, 2004 – December 10, 2004	\$ 844.13
December 10, 2004 – December 12, 2005	3477.72
December 12, 2005 – December 11, 2006	3750.55
December 11, 2006 – December 11, 2007	3935.61
December 11, 2007 – December 11, 2008	2492.89
December 11, 2008 – December 11, 2009	2405.68
December 11, 2009 – December 13, 2010	2509.40
December 13, 2010 – December 13, 2011	2397.02
December 13, 2011 – December 11, 2012	<u>2369.26</u>
Total Charges	<b>\$24,182.26</b>

**\$24,182.26 - Total Overcharges from September 3, 2004, to December 11, 2012, made by Cinergy CG&E/Duke Energy, Respondent, for 18 of 20 Outdoor Lights Located on Property Not Owned by Complainant, Western Tennis and Fitness Club**

**\$17,594.11 – Amount to Be Refunded to Western Tennis & Fitness Club as a Result of Overcharges Made by Cinergy CG&E/Duke Energy**

$(\$24,182.26 \times 90\% = \$21,764.03 \text{ less } \$4169.92 \text{ (credits applied by Duke Energy)} = \$17,594.11)$

# EXHIBIT C

Account Number 0270-0832-02-6

10 09

Amount Due
\$ 198.29

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
 HeatShare Contribution Amount Enclosed  
 (for Customer Assistance)

Western Tennis & Fitness Club  
 5490 Muddy Creek Rd  
 Cincinnati OH 45238

PO Box 1326  
 Charlotte NC 28201-1326

400 00000198293 02700832026 000000000 00000198293

Page 1 of 1

Name / Service Address	For Inquiries Call	Account Number
Western Tennis & Fitness Club 5490 Muddy Creek Rd Cincinnati OH 45238	Duke Energy 1-800-774-1202 For Account Services, please contact B & I Group at Ext 4444	0270-0832-02-6

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Feb 06 not included Bill prepared on Feb 06, 2013 Next meter reading Feb 12, 2013

Current Billing	
Amt Due - Previous Bill	\$ 2,072.03
Late Payment Charge(s)	2.93
Canceled Charges:	
OL Charges	1,876.67 cr
<b>Current Amount Due</b>	<b>\$ 198.29</b>

Should payment of this bill by the due date present a problem, please call us at the number listed in the "For Inquiries Call" section of your bill.

This bill reflects canceled and rebilled electric charges for prior months.

The due date for any new charges on this bill will be reflected on your next scheduled bill. Any previous charges are due on the date shown on your prior bill.

Amount Due
\$ 198.29

## EXHIBIT D

Account Number 0270-0832-02-6

10 09

Amount Due

\$ 0.00

\$

\$

HeatShare Contribution  
(for Customer Assistance)

Amount Enclosed

Western Tennis & Fitness Club  
5490 Muddy Creek Rd  
Cincinnati OH 45238PO Box 1326  
Charlotte NC 28201-1326

400 00000198641 02700832026 000000000 00000198641

Page 1 of 1

Name / Service Address	For inquiries Call	Account Number
Western Tennis & Fitness Club 5490 Muddy Creek Rd Cincinnati OH 45238	Duke Energy For Account Services, please contact B & I Group at Ext 4444	1-800-774-1202 0270-0832-02-6

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Feb 27 not included Bill prepared on Feb 27, 2013 Next meter reading Mar 13, 2013

## Current Billing

Amt Due - Previous Bill	\$ 2,094.61
Balance Forward	2,094.61
Adjustment	* 2,293.25cr
Current Amount Due	\$ 198.64cr

Nothing to pay . . . the amount indicated is a credit, not an amount to be paid. We will apply this credit to your next bill.

The due date for any new charges on this bill will be reflected on your next scheduled bill. Any previous charges are due on the date shown on your prior bill.

*Credit of \$2293.25 was for time period Jan 2011 - Jan 2012*

Amount Due

\$ 0.00



To view the back of your bill, please click or go to  
[www.duke-energy.com/ohio/billing/back-of-bill.asp](http://www.duke-energy.com/ohio/billing/back-of-bill.asp)

## EXHIBIT E

Duke Energy Ohio  
139 East Fourth Street  
Cincinnati, Ohio 45202

P.U.C.O. Electric No. 19  
Sheet No. 25.6  
Cancels and Supersedes  
Sheet No. 25.5  
Page 3 of 3

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### SECTION VI - BILLING AND PAYMENT (Contd.)

#### 5. Bill Adjustment

Overcharges will be refunded to the customer for the entire period of inaccurate billing if that period is discernible. If the period of inaccurate billing is not discernible, the shortest period encompassing the elapsed time since the customer's "on" date, the installation date of the inaccurate meter, or 365 days will form the basis for determining the refund amount.

Undercharges may be billed and the customer shall pay the charges for the entire period of inaccurate billing when that period is discernible, except undercharges billed to residential customers shall be limited to a maximum of 365 days prior to the date the billing is corrected. There will be no maximum limit of time for cases involving tampering or theft of utility service, or where a physical act of a customer or its agent causes inaccurate or no recording of the meter reading, or inaccurate or no measurement of the electricity rendered.

Filed pursuant to an Order dated July 8, 2009 in Case No. 08-709-EL-AIR before the Public Utilities Commission of Ohio.

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Issued: July 10, 2009

Effective: July 13, 2009

Issued by Julie Janson, President



Name/Service Address	For Inquiries Call	Account Number
Western Tennis & Fitness Club 5490 Muddy Creek Rd Bldg: G Cincinnati OH 45238	Cinergy/CG&E 513-421-9500	6350-0752-23-0

Mail Payments To	Account Information
PO Box 740124 Cincinnati OH 45274-0124	Payments after Oct 12 not included Bill prepared on Oct 12, 2004 Next meter reading Nov 09, 2004

Meter	Number	Reading Date From To	Days	Meter Reading Previous Present	Multi	Usage	Actual kW
Elec	027754198	Sep 10 Oct 11	31	93866 94434	1	568	2.00

Electric - Commercial		
Usage -	568 kWh	
Cinergy/CG&E - Rate DM01		\$ 59.06
Current Electric Charges		<u>\$ 59.06</u>

Current Billing	
Amt Due - Previous Bill	\$ 0.00
Prior Month(s) Charges:	
Electric Charges	15.76
Balance Forward	<u>15.76</u>
Current Electric Charges	59.06
Current Amount Due	<u>\$ 74.82</u>

Pd \$74.82  
 10/25/04 10-25-2004  
 CR # 5005 Reimbursed ✓

Due Date	Amount Due	After Nov 3, 2004
Nov 3, 2004	\$ 74.82	\$ 75.94

**EXHIBIT F - Page 2**

Account Number 6350-0752-23-0 10 09

Due Date	Amount Due
Feb 7, 2005	\$ 197.85

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

\*\*\*\*\*AUTO\*\* 5-DIGIT 45233



Western Tennis & Fitness Club  
5490 Muddy Creek Rd Bldg G  
Cincinnati OH 45238-2033

PO Box 740124  
Cincinnati OH 45274-0124

400 00000197858 63500752230 020720050 00000200824

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Name /Service Address	For Inquiries Call	Account Number
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Western Tennis & Fitness Club 5490 Muddy Creek Rd Bldg: G Cincinnati OH 45238	Cinergy/CG&E	513-421-9500 6350-0752-23-0
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Mail Payments To	Account Information
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PO Box 740124 Cincinnati OH 45274-0124	Payments after Jan 14 not included	Bill prepared on Jan 14, 2005 Next meter reading Feb 11, 2005
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Meter Number	Reading Date From To	Days	Meter Reading Previous Present	Multi	Usage	Actual kW
Elec 027754198	Dec 10 Jan 13	34	96057 97096	1	1,039	3.00

Electric - Commercial		
Usage -	734 kWh	
Cinergy/CG&E - Rate DM01		\$ 73.39
Usage -	305 kWh	
Cinergy/CG&E - Rate DM01		33.12
Current Electric Charges		\$ 106.51
Old Rate Effective Dec 10 To Jan 03		
New Rate Effective Jan 03 To Jan 13		

Current Billing	
Amt Due - Previous Bill	\$ 89.99
Late Payment Charge(s)	1.35
Balance Forward	91.34
Current Electric Charges	106.51
Current Amount Due	\$ 197.85

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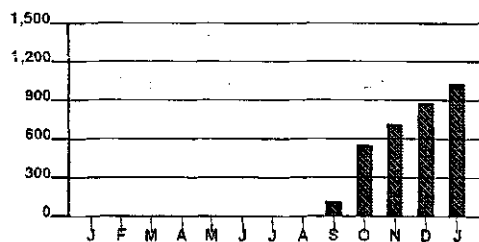
Pursuant to state law, the Universal Service Fund rider rate has been adjusted effective with this bill.

Under state law, the amount you are being billed includes: (1) kilowatt-hour taxes that have been in effect since 2001 and are currently at \$.00465 for the first 2,000 kWh, \$.00419 for the next 13,000 kWh and \$.00363 for all additional kWh and, (2) Assessments to assist in the support of the PUCO and the Office of the Consumers Counsel that have been in effect since 1912 and 1977 respectively.

Due Date	Amount Due	After Feb 7, 2005
Feb 7, 2005	\$ 197.85	\$ 200.82

Name	Service Address	Account Number
Western Tennis & Fitness Club	5490 Muddy Creek Rd Bldg: G Cincinnati OH 45238	6350-0752-23-0
Explanation of Current Charges		
<b>Electric</b> Meter - 027754198 kWh Multiplier - 1 kW Multiplier - 10 kWh Usage - 1,039 Demand Read - 00.30 Dec 10 - Jan 13 34 Days	<b>Cinergy/CG&amp;E</b> Rate DM01 - Distr Svc-Small/Winter Old Rate Effective Dec 10 To Jan 03 Distribution-Customer Chg \$ 3.53 Delivery Charges Distribution-Energy Chg 734 kWh @ \$ 0.02794900 20.51 Transmission Charges 734 kWh @ \$ 0.00441900 3.24 Ancillary Charges 734 kWh @ \$ 0.00124300 0.91 Delivery Riders 3.87 Total Delivery Charges \$ 28.53 Generation Charges Generation-Energy Chg 734 kWh @ \$ 0.05630200 41.33 Total Generation Charges \$ 41.33 Total Current Electric Charges \$ 73.39	
	<b>Cinergy/CG&amp;E</b> Rate DM01 - Distr Svc-Small/Winter New Rate Effective Jan 03 To Jan 13 Distribution-Customer Chg \$ 1.47 Delivery Charges Distribution-Energy Chg 305 kWh @ \$ 0.02794900 8.52 Transmission Charges 305 kWh @ \$ 0.00441900 1.35 Ancillary Charges 305 kWh @ \$ 0.00124300 0.38 Delivery Riders 4.23 Total Delivery Charges \$ 14.48 Generation Charges Generation-Energy Chg 305 kWh @ \$ 0.05630200 17.17 Total Generation Charges \$ 17.17 Total Current Electric Charges \$ 33.12	
	<b>Total Current Electric Charges</b>	<b>\$ 106.51</b>

kWh Electric Usage



Calculations based on most recent 12 month history  
 Total Usage 3,352  
 Average Usage 670

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN
Electric	0	0	0	0	0	0	0	0	122	568	730	893	1,039

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