

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

David L. Vorherr)	
5968 Cheviot Road)	
Cincinnati, OH 45247)	
)	
Complainant,)	Case No. 13-1744-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF RESPONDENT DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of David L. Vorherr (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

1. Duke Energy Ohio denies all allegations of the Complaint.

AFFIRMATIVE DEFENSES

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 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.

5. Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-10 with respect to the safe and reliable provision of electric services at Complainant's property.
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. 4901:1-10-22-23 and R.C. 4933.28 with respect to the Company's billings to Complainant.
7. Duke Energy Ohio asserts as an affirmative defense that Complainant requested, received and enjoyed the benefit of the electricity services provided by the Company and, therefore, should pay Duke Energy Ohio for such services regardless of any technical or alleged issues or problems associated with the meters and billings.
8. Duke Energy Ohio asserts as an affirmative defense that the Company responded to Complainant's inquiry and inspected the meters at the subject property, only to confirm that the information provided by Complainant was not accurate: meaning, the correct meter owned by Duke Energy Ohio was situated at the property; the meter was not turned at a 45 degree angle as Complainant alleged; and the meter's seal was not broken, as Complainant also alleged.
9. Duke Energy Ohio asserts as an affirmative defense that the Company installed a smart meter at the subject property during September 2010 and that the smart meter has accurately recorded all electric usage at the property since that date.
10. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any damages or request for relief, including relief which may be granted by this Commission.

11. Duke Energy Ohio asserts as an affirmative defense that, through no fault of the Company, Complainant had been receiving electric services from Duke Energy Ohio without being billed for those services.
12. Duke Energy Ohio asserts as an affirmative defense that, through no fault of the Company, Duke Energy Ohio was unable to access the electric meters situated at Complainant's subject property on multiple occasions in order to disconnect those meters for unauthorized and unbilled usage.
13. Duke Energy Ohio asserts as an affirmative defense that the Company has already credited Complainant's account for all payments made by Complainant and other credits to which Complainant is entitled under Duke Energy Ohio's tariffs on file with the Commission.
14. Duke Energy Ohio asserts as an affirmative defense that, on or about December 12, 2011, the Company reestablished electric service in Complainant's name after explaining to Complainant that he would be billed for all past, unbilled usage and Complainant agreed to the same.
15. 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, Respondent Duke Energy Ohio, Inc. prays that the Commission dismiss the Complaint of David L. Vorherr for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any; Duke Energy Ohio, Inc. further requests that, in the event the Commission denies the Company's requested

relief, that the matter be set for a telephonic settlement conference given the relatively small amount in dispute (approximately \$80-90) on a date convenient to both parties.

Respectfully submitted,

/s/ Robert A. McMahon

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Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via regular US Mail, postage prepaid, this 20th day of August, 2013, upon the following:

David L. Vorherr
5968 Cheviot Road
Cincinnati, OH 45247

/s/ Robert A. McMahon

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Case No(s). 13-1744-EL-CSS

Summary: Answer Answer of Respondent Duke Energy Ohio, Inc. electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.