

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Larry W. Peterson)	
3944 Roosevelt Blvd.)	
Middletown, OH 45044)	
)	
Complainant,)	Case No. 14-0744-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF RESPONDENT DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Larry W. Peterson (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, since Complainant started service in his name under Account #0530-0272-40-3, the account associated with Complainant's upstairs apartment, on August 20, 2013, Complainant's AMI meter has properly registered all of Complainant's usage of electricity, the Company has properly billed Complainant for his usage, and Complainant has been credited for all payments made toward his account.
8. Duke Energy Ohio asserts as an affirmative defense that the Company mistakenly put Account #9430-0272-25-2 in Complainant's name on or about September 5, 2013, when Complainant called and asked for service to be placed in his name at the subject address, 3944 Roosevelt Boulevard, Middletown, Ohio, even though Complainant already had service in his name at the same address. The Company did not realize that Complainant was calling about the same apartment where he already had service because he was asking for new service to be put in his name at that address, thereby making Duke Energy Ohio's customer service representative mistakenly understand that Complainant was calling about the "garage" account (Account #9430-0272-25-2).

9. Duke Energy Ohio asserts as an affirmative defense that the Company promptly fixed the billing error as soon as Complainant brought the issue to its attention. Complainant is the customer of record only on Account #0530-0272-40-3, the account associated with Complainant's upstairs apartment. Complainant is **not** the customer of record on Account #9430-0272-25-2, the garage; that account has been placed in the name of the apartment complex where Complainant resides going back to September 5, 21013, when the account was mistakenly placed in Complainant's name. Every payment previously made by Complainant toward Account #9430-0272-25-2 has been applied toward his correct Account #0530-0272-40-3.
10. 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.
11. Duke Energy Ohio asserts as an affirmative defense that Complainant have not stated any damages or request for relief, including relief which may be granted by this Commission.
12. 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.
13. 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 Larry W. Peterson for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,

/s/ Robert A. McMahon
Robert A. McMahon (0064319)
Counsel of Record
Eberly McMahon LLC
2321 Kemper Lane, Suite 100
Cincinnati, OH 45206
tel: (513) 533-3441
fax: (513) 533-3554
email: bcmahon@emh-law.com

Elizabeth H. Watts
Assistant General Counsel
Duke Energy Business Services Inc.
155 East Broad Street, 21st Floor
Columbus, OH 43215
tel: (614) 222-1331
fax: (614) 221-7556
email: elizabeth.watts@duke-energy.com

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 12th day of May, 2014 upon the following:

Larry W. Peterson
3944 Roosevelt Blvd.
Middletown, OH 45044

/s/ Robert A. McMahon

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/12/2014 2:33:39 PM

in

Case No(s). 14-0744-EL-CSS

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