

FILE

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PUCO EXHIBIT FILING

Date of Hearing: 8-27-2014

Case No. 13-2093-GE-CSS

PUCO Case Caption: \_\_\_\_\_

Tiffany Brooks, Complainant

v.

Duke Energy Ohio, Inc.,

Respondent

List of exhibits being filed:

DUKE EXHIBIT B

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Reporter's Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of:	:
	:
Tiffany Brooks,	:
	:
Complainant,	:
	:
vs.	: Case No. 13-2093-GE-CSS
	:
Duke Energy Ohio, Inc.,	:
	:
Respondent.	:

- - -

PROCEEDINGS

before Mr. L. Douglas Jennings, Attorney Examiner, at  
the Public Utilities Commission of Ohio, 180 East  
Broad Street, Room 11-C, Columbus, Ohio, called at  
10:30 a.m. on Thursday, August 28, 2014.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Tiffany Brooks	)	
5102 Ebersole Ave.	)	
Cincinnati, OH 45227	)	
	)	
Complainant,	)	Case No. 13-2093-GE-CSS
	)	
v.	)	
	)	
Duke Energy Ohio, Inc.	)	
	)	
Respondent.	)	

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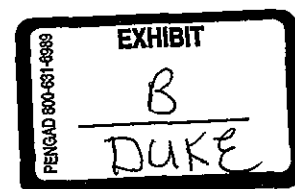
**RESPONDENT'S REQUESTS FOR ADMISSION, INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO COMPLAINANT**

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Pursuant to Chapters 4901-1-19, 4901-1-20 and 4901-1-22 of the Ohio Administrative Code, Respondent Duke Energy Ohio, Inc. submits the following Requests for Admission, Interrogatories and Requests for Production of Documents to Complainant Tiffany Brooks ("Complainant"). Complainant shall answer the discovery requests in writing, and under oath as to the Interrogatories, and serve her written responses and copies of all responsive documents within 20 days on Respondent's counsel at the following address: Robert A. McMahon, Eberly McMahon LLC, 2321 Kemper Lane, Suite 100, Cincinnati, Ohio 45206.

**INSTRUCTIONS FOR ANSWERING**

1. With respect to all requests, all information is to be divulged which is within the possession or control of the person or legal entity to whom the Interrogatories are addressed or to his or its attorneys, investigators, agents, employees, or other representatives.
2. All answers must be made separately and fully stated under oath.
3. Where a discovery request calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.



4. You are under a continuing duty to seasonably supplement your answers with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity and location of persons expected to be called as expert witnesses at trial, and the subject matter on which they are expected to testify and to correct any response which you know or later learn is not correct.

5. Space for your answers has been provided beneath each discovery request; should there not be sufficient space to complete your answer you may complete it in sequence on a separate appendix attached to the answers and identified appropriately.

6. If you are unable to fully answer any discovery request at this time, you are to answer the request as completely as you can based upon the information you now have.

### **DEFINITIONS AND INSTRUCTIONS**

For the purposes of these discovery requests, unless otherwise stated, the following terms shall have the meanings indicated:

“Document” means the original and any copy, regardless of origin or location, of any data, correspondence, record, book, account book, pamphlet, periodical, letter, memorandum, telegram, cable, report, record, study, stenographic or handwritten note, working paper, invoice, voucher, check, statement, chart, graph, map, diagram, blueprint, table, index, picture, voice recording, tape, microfilm, tape data sheet, or data processing card or disc, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however stored, produced or reproduced, to which you have or have had access or the location of which is known to you.

“Person” includes natural persons, corporations, public corporations, governments, governmental agencies, boards, commissions, regulatory authorities, committees, partnerships, joint ventures, groups, firms, associations, limited liability companies, or other organizations and entities.

“Identify” with respect to a person means to provide the name, address and telephone number of that person.

“Identify” with respect to a document means to provide: the title of the document; the date the document was prepared; the name and address of its author; the location of the original document; and, if the original has been destroyed, the date and reasons for its destruction and the name and address of the person who destroyed the document.

“You,” “Complainant” and “Brooks” mean Complainant Tiffany Brooks.

“Respondent” or “DE-Ohio” means Defendant Duke Energy Ohio, Inc.

The “Ebersole Property” refers to the real property located at 5102 Ebersole Ave., Cincinnati, OH 45227.

The “Hirsch Property” refers to the real property located at 7126 Hirsch Drive, Apt. 235 Cincinnati, OH 45237.

### **REQUESTS FOR ADMISSION**

1. Admit that Brooks is a friend of Kemya Bryant.

**Answer:**

2. Admit that Brooks and Kemya Bryant have been roommates at different addresses in Cincinnati.

**Answer:**

3. Admit that Kemya Bryant is the granddaughter of Bernice Bryant.

**Answer:**

4. Admit that Brooks lived at 5762 Reflections Way, Bldg. 132, Mason, OH 45040 during 1988.

**Answer:**

5. Admit that Brooks lived at 2315 Iroll Avenue, Cincinnati, OH 45225, from approximately August 2009 until approximately March 2010.

**Answer:**

6. Admit that Brooks lived at 3436 Boudinot, Cincinnati, OH 45211, from approximately March 2010 until approximately August 2010.

**Answer:**

7. Admit that Brooks lived at 10702 Sharondale Road, Cincinnati, OH 45241, from approximately March 2012 until approximately July 2012.

**Answer:**

8. Admit that Brooks has lived at 5102 Ebersole, Cincinnati, OH 45227, since July 2012.

**Answer:**

9. Admit that Kemya Bryant lived at 5762 Reflections Way, Bldg. 132, Mason, OH 45040 during 1988.

**Answer:**

10. Admit that Kemya Bryant lived at 2315 Iroll Avenue, Cincinnati, OH 45225, from approximately August 2009 until approximately March 2010.

**Answer:**

11. Admit that Kemya Bryant lived at 3436 Boudinot, Cincinnati, OH 45211, from approximately March 2010 until approximately August 2010.

**Answer:**

12. Admit that Kemya Bryant lived at 10702 Sharondale Road, Cincinnati, OH 45241, from approximately March 2012 until approximately July 2012.

**Answer:**

13. Admit that Kemya Bryant has lived at 5102 Ebersole, Cincinnati, OH 45227, since July 2012.

**Answer:**

14. Admit that Brooks and Kemya Bryant were evicted from 2315 Iroll Avenue, Cincinnati, OH 45225, in March or April 2010.

**Answer:**

15. Admit that Bernice Bryant lived at 7126 Hirsch Drive, Cincinnati, OH 45237 from 1988 until 2014.

**Answer:**

16. Admit that Bernice Bryant did not live at any of the following addresses since 1988:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

17. Admit that Bernice Bryant did not establish gas or electric service in her name with DE-Ohio at any of the following addresses since 1988:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

18. Admit that Bernice Bryant did not authorize Brooks or Kemya Bryant to establish gas or electric accounts in Bernice Bryant's name with DE-Ohio at any of the following addresses since 1988:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

19. Admit that Brooks used Bernice Bryant's name and personal information to establish gas and/or electric accounts in Bernice Bryant's name with DE-Ohio at each of the following addresses:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

20. Admit that Kemya Bryant used Bernice Bryant's name and personal information to establish gas or electric accounts in Bernice Bryant's name with DE-Ohio at each of the following addresses:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211



- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

21. Admit that Brooks and/or Kemya Bryant used and benefitted from gas and/or electric services provided by DE-Ohio at the following addresses while the utility accounts at such addresses were in the name of Bernice Bryant:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

22. Admit that Brooks and/or Kemya Bryant defrauded DE-Ohio in connection with the gas and/or electric accounts at the following addresses while such accounts were in the name of Bernice Bryant:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

23. Admit that Brooks used and/or benefitted from all gas and electric charges transferred by DE-Ohio to accounts in Brooks' name.

**Answer:**

24. Admit that Brooks used and/or benefitted from the gas and electric charges transferred by DE-Ohio to Account #97100349357 in her name at the Ebersole Property.

**Answer:**

25. Admit that DE-Ohio properly initiated a fraud investigation when it learned that Brooks had used Bernice Bryant's name and personal information to establish gas and/or electric service in Bernice Bryant's name.

**Answer:**

26. Admit that DE-Ohio timely delivered written notice to Brooks of its intent to disconnect the gas and electric services in her name at the Ebersole Property before such services were disconnected.

**Answer:**

27. Admit that DE-Ohio disconnected the gas and electric services in Brooks' name at the Ebersole Property at least 3 days after it delivered written notice of its intent to disconnect to Brooks at the Ebersole Property.

**Answer:**

28. Admit that Brooks defrauded DE-Ohio with respect to her application for gas and electric services in her name at the Ebersole Property.

**Answer:**

29. Admit that Brooks defrauded DE-Ohio with respect to Complainant's application for gas and electric services in its name at the Ebersole Property.

**Answer:**

30. Admit that Brooks and/or Kemya Bryant exerted undue influence on Bernice Bryant when they got her to sign the document entitled "ATTENTION: BETTER BUSINESS BUREAU" on September 4, 2013, before a notary public.

**Answer:**

31. Admit that Bernice Bryant did not provide the notary with a valid ID or other proof of her identity when she signed the document entitled "ATTENTION: BETTER BUSINESS BUREAU" on September 4, 2013.

**Answer:**

32. Admit that DE-Ohio complied with its filed tariffs with respect to Account #97100349357 in Brooks' name at the Ebersole Property.

**Answer:**

33. Admit that DE-Ohio complied with all rules and regulations adopted or enacted by the Public Utilities Commission of Ohio with respect to Account #97100349357 in Brooks' name at the Ebersole Property.

**Answer:**

34. Admit that Brooks does not have any facts or evidence to support her complaint against DE-Ohio in this case.

**Answer:**

### **INTERROGATORIES**

1. What is the name, title, address and phone number of each person assisting in the preparation of your answers to these interrogatories?

**Answer:**

2. What are the names, addresses, and telephone numbers of all people who have knowledge of any facts relating to the allegations of the Complaint?

**Answer:**

3. Identify all persons whom You expect to call as a witness in the hearing of this action.

**Answer:**

4. Identify all documents that You expect to use as evidence at the hearing of this action, and produce of copies of all such documents.

**Answer:**

5. Identify all documents referring or relating to Complainant's lease of or residence at the following addresses:

- a. 2315 Iroll Avenue, Cincinnati, OH 45225
- b. 3436 Boudinot, Cincinnati, OH 45211
- c. 10702 Sharondale Road, Cincinnati, OH 45241
- d. 5102 Ebersole, Cincinnati, OH 45227

**Answer:**

6. With respect to every place where Brooks has lived since 1998, provide the following information:

- a. The street address of each residence;

- b. The name and telephone number of each person who lived with Brooks at each address.

**Answer:**

7. Have You ever been convicted of a crime? If so, provide the following information:

- a. The name and address of the court or jurisdiction where you were convicted;
- b. The case number for each offense;
- c. Identify the length of time You spent in jail or on probation with respect to each offense; and
- d. Identify the sentence, fine or penalty assessed against You.

**Answer:**

8. Explain in detail how DE-Ohio allegedly violated its filed tariffs or any rule or regulation enacted by the PUCO with respect to Your account with DE-Ohio.

**Answer:**

9. If Brooks denied any of the Requests for Admission above, either in whole or in part, identify in detail all facts supporting, relating or otherwise referring to each such denial.

**Answer:**

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce copies of all documents requested or identified in response to the Interrogatories.

**Answer:**

2. Produce each document You intend to introduce at any hearing in this case.

**Answer:**

3. Produce copies of all documents supporting or in any way substantiating the allegations of your Complaint.

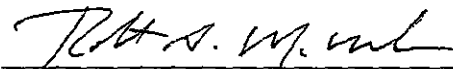
**Answer:**

4. Produce copies of all documents referring or relating to communications by or to Brooks relating this complaint case.

**Answer:**

5. Produce copies of all documents referring or relating to communications by or to Brooks relating to any DE-Ohio account at the Ebersole Property.

**Answer:**



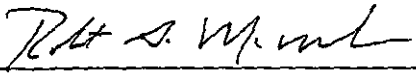
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Attorneys for Respondent  
Duke Energy Ohio, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via regular US Mail, postage prepaid, on the 27<sup>th</sup> day of February, 2014, upon the following:

Tiffany Brooks  
5102 Ebersole Ave.  
Cincinnati, OH 45227

  
\_\_\_\_\_  
Robert A. McMahon