

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)	
Jeffrey Pitzer,)	
)	
Complainant,)	
)	
v.)	Case No. 15-298-GE-CSS
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	
)	
)	

**DUKE ENERGY OHIO INC.'S MOTION FOR
SUBPOENA *DUCES TECUM* TO GREATER CINCINNATI WATER WORKS**

Pursuant to Ohio Administrative Code § 4901-1-25, Duke Energy Ohio, Inc., (“Duke Energy Ohio” or “Company”) respectfully moves the Public Utilities Commission of Ohio (“Commission”), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena *duces tecum* (“Subpoena”)¹ directed to Greater Cincinnati Water Works (“GCWW”) that compels GCWW to produce a person(s) to attend and give deposition testimony upon oral examination at a location of Duke Energy Ohio and GCWW’s mutual agreement on September 4, 2015, at 2:00 p.m. (EST).

The Subpoena further compels GCWW to produce documents to Duke Energy Ohio covering the same topics by September 2, 2015, at 5:00 p.m. (EST). *See* Ohio Administrative Code § 4901-1- 25(D).² As described in the attached Subpoena, Duke Energy Ohio requests that

¹ A copy of the subpoena is attached hereto as Exhibit A.

² Duke Energy Ohio is willing to negotiate the time and place of the deposition. Additionally, Duke Energy Ohio is willing to accept delivery of the requested documents in lieu of GCWW presenting a witness for deposition.

the Commission order GCWW to produce all documents within its possession, custody, or control that are relevant to the following topic:³

1. Any and all documents related to accounts at 11312 Orchard Street, Cincinnati, OH 45241 and/or in the name of Dorothy Easterling, DOB: 5/1927, SSN: 290-22-xxxx, including, but not limited to, monthly statements/bills, notices, any documents regarding disconnection of service, etc., in the year 2011.

The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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Cincinnati, Ohio 45206
(513) 533-3441 (telephone)

³ See Ohio Administrative Code § 4901-1-25(D).

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**MEMORANDUM IN SUPPORT OF DUKE ENERGY OHIO, INC.'S
MOTION FOR SUBPOENA *DUCES TECUM*
TO GREATER CINCINNATI WATER WORKS**

In this proceeding Claimant, Jeffrey Pitzer ("Pitzer"), seeks compensatory damages against Duke Energy Ohio for alleged wrongful death pursuant to improper disconnection of utilities for non-payment causing the deaths of Dorothy Easterling and Estill Easterling, III. Duke Energy Ohio has propounded discovery to Pitzer seeking information relevant to these allegations, including, but not limited to, Mrs. Easterling's utility information. Although he is the personal representative of the decedents' estates, Pitzer claims that the account records are not in his possession, custody, or control and he has instead directed Duke Energy Ohio to request the records directly from GCWW.

Thus, the Commission should require GCWW to provide the requested information as described in the Subpoena attached to Duke Energy Ohio's motion. In order to more fully develop the record in this case, Duke Energy Ohio seeks to depose person(s) from GCWW and receive relevant documents from GCWW. Duke Energy Ohio respectfully asks that the Commission grant this motion.

Respectfully submitted,

DUKE ENERGY OHIO, INC.



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Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
(513) 533-3441 (telephone)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Subpoena was served on the following parties this 17th day of August, 2015 by regular U. S. Mail, overnight delivery or electronic delivery.



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Respondent.)	
)	
)	

SUBPOENA DUCES TECUM

TO: Greater Cincinnati Water Works
4747 Spring Grove Avenue
Cincinnati, OH 45232

Upon application of Duke Energy Ohio, Inc. ("Duke Energy Ohio"), Greater Cincinnati Water Works ("GCWW") is hereby required to provide documents related to the following topic:

1. Any and all documents related to accounts at 11312 Orchard Street, Cincinnati, OH 45241 and/or in the name of Dorothy Easterling, DOB: 5/1927, SSN: 290-22-xxxx, including, but not limited to, monthly statements/bills, notices, any documents regarding disconnection of service, etc., in the year 2011.

GCWW is required to produce a person(s) with knowledge and expertise related to these documents. This person(s) is required to attend and give deposition testimony upon oral examination at a location of Duke Energy Ohio and GCWW's mutual agreement on September 4, 2015, at 2:00 p.m. (EST). The deponent(s) is required to attend from day-to-day until deposition(s) is completed.

In addition to a witness, GCWW must provide all documents within its possession, custody, or control that are relevant to the above-described topics. GCWW is required to produce documents to counsel for Duke Energy Ohio covering these same topics by September 2, 2015, at 5:00 p.m. (EST).

Additionally, Duke Energy Ohio is willing to accept delivery of the requested documents in lieu of GCWW presenting a witness for deposition.

Dated at Columbus, Ohio, this ____ day of _____, 2015.

Attorney Examiner

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/17/2015 2:29:55 PM

in

Case No(s). 15-0298-GE-CSS

Summary: Motion Duke Energy Ohio, Inc.'s Motion for Subpoena Duces Tecum to Greater Cincinnati Water Works electronically filed by Ms. E Minna Rolfes on behalf of Amy B. Spiller and Duke Energy Ohio, Inc.