

FILE

FAX

**DRODER &
MILLER**

Attorneys at Law

125 West Central Parkway | Cincinnati, OH 45202-1006 | 513.721.1504 | Fax: 513.721.0310 | www.drodermiller.com

to:	PUCO Docketing Desk
from:	Julie / Donald A. Lane, Esq.
date:	November 3, 2015
reference:	Case No. 15-298-GE-CSS
fax number:	614/466-0313

Dear Clerk -

Please accept the attached Third Motion to Compel as well as an Affidavit of Donald A. Lane in Support of the Third Motion to Compel for fax filing with the Public Utilities Commission of Ohio. Thank you in advance for your assistance with this. Please do not hesitate to contact me should you have any questions or concerns.

Thank you.

Julie Denzler
Droder & Miller

23

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER:

If there are problems in receiving, please call (513) 721-1504. x 306 - Julie

RECEIVED-DOCKETING DIV
2015 NOV -3 PM 2:34
PUCO

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed NOV 03 2015

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Jeffrey Pitzer)	
)	
Complainant,	)	Case No. 15-298-GE-CSS
)	
v.	)	JEFFREY PITZER'S THIRD
	)	MOTION TO COMPEL
Duke Energy Ohio, Inc.)	
	)	REQUEST FOR
Respondent.	)	EXPEDITED RULING

Pursuant to OAC 4901-1-23, Complainant, Jeffrey Pitzer, seeks an order from the Attorney Examiner requiring Respondent, Duke Energy Ohio, Inc. ("Duke"), to do the following:

1. produce a deponent to testify about account records relating to the residence at issue in this case, covering the time period at issue in this case; and
2. produce internal records concerning Duke's compliance with the regulations at issue in this case.

A memorandum in support of this motion is set forth below. As required by OAC 49091-1-23(C), the undersigned counsel likewise files and affidavit ("the Lane Affidavit"), setting forth the efforts undertaken on behalf of Mr. Pitzer to resolve this discovery dispute.

Given that this matter is scheduled to proceed to hearing on December 2 and 3, 2015, Mr. Pitzer respectfully requests that this motion be considered on an expedited basis.

MEMORANDUM

As the Attorney Examiner is well aware, this matter involves Duke's disconnection of electrical service at the residence located at 11312 Orchard Street, Cincinnati, Ohio ("the Residence") in November, 2011. At the time of such disconnection, the Residence was occupied

by Dorothy Easterling, an elderly person, and her mentally and physically disabled son, Estill Easterling III. Both of these individuals died of hypothermia.

Duke has previously produced documents relating to the account ("the Account") at the Residence¹. These documents are difficult to decipher, in that they contain internal coding, the meaning of which is not apparent to a layperson. Insofar as this administrative proceeding concerns issues relating to the Account, such as notifications and personal visits to the Residence by Duke, the content and meaning of the notations on these documents are critical and extremely relevant.

On October 8, 2015, Mr. Pitzer served Duke with a notice of deposition for a corporate representative of Duke to testify about the documents, as is permitted by OAC 4901-1-21(B) and (F)². Through counsel, Duke claimed that it could not understand the notice, so Mr. Pitzer served a notice on Duke attaching the actual documents about which his counsel intends to examine the designee or designees. Again, Duke has refused to produce a designee. As stated above, documentation concerning the Account is key to understanding the issues in this matter, and is, therefore, a proper topic for examination under OAC 4901-1-21(B) and (F). For these reasons, Mr. Pitzer respectfully requests that the Attorney Examiner issue an order requiring Duke to produce a witness to testify about the documents.

In addition to the foregoing, Mr. Pitzer has also served Duke with a document request, seeking the following information:

¹ Duke has designated the account documents as "confidential." Should the Hearing Examiner desire to see them, Mr. Pitzer can submit them for in camera inspection.

² Originally, the parties had discussed Mr. Pitzer deposing specific Duke employees identified in discovery, a matter that the parties have already addressed with the Hearing Examiner. However, when Duke produced the entirety of documents relating to the Account, on September 16, 2015, Mr. Pitzer determined that such a designee deposition would be the more expedient.

Produce for inspection any and all internal procedures used by Duke relating to the following that were in effect during calendar year 2011:

- (a) billing of customers
- (b) collection of customer bills and accounts
- (c) disconnection procedures
- (d) compliance with OAC Chapter 4901:1-18

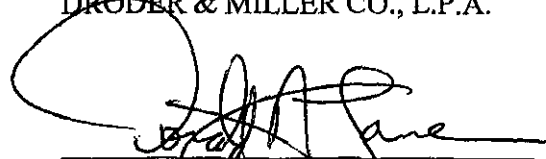
Insofar as this matter involves alleged past due accounts, the disconnection of service at the Residence and Duke's compliance with OAC Chapter 4901:1-18, this request is permissible under OAC 4901-1-16(B), and the documents requested are discoverable.

In response to this request, Duke, again through counsel, claims that the request is overly broad and seeks proprietary information. Mr. Pitzer has agreed to narrow the request to policies that are directly related to the type of account and service at issue here and to the time frame that is relevant to this dispute. Further, Duke's concerns about the proprietary nature of the documents is unfounded, insofar as Mr. Pitzer has complied all along with Duke's designation of certain documents as confidential.

As a result of the foregoing, Mr. Pitzer respectfully requests that the Attorney Examiner issue an order requiring Duke to produce documents in response to the above-referenced request.

Respectfully submitted,

DRODER & MILLER CO., L.P.A.



Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer
125 West Central Parkway
Cincinnati, Ohio 45202-1006
Phone (513) 721-1504 x304
Fax (513) 721-0310
dlane@drodermiller.com

CERTIFICATE OF SERVICE

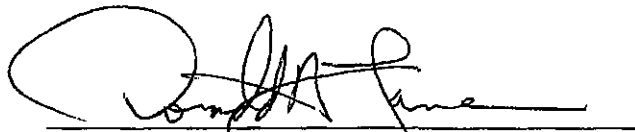
I hereby certify that a copy of the foregoing has been served upon the following by electronic mail on this 30 day of November, 2015:

Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
bcmcmahon@emclawyers.com
Attorney for Duke Energy Ohio, Inc.

Amy B. Spiller
Elizabeth H. Watts
139 East Fourth Street
Cincinnati, OH 45202
Amy.spiller@duke-energy.com
Attorneys for Duke Energy Ohio, Inc.

Bruce J. Weston
Terry L. Etter
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3482
Terry.etter@occ.ohio.gov
*Outside Counsel for the Office of
The Ohio Consumers' Counsel*

Kimberly W. Bojko
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 N. High Street
Columbus, Ohio 43215
bojko@carpenterlipps.com
Office of the Ohio Consumers' Counsel



Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Jeffrey Pitzer)	
)	
Complainant,	)	Case No. 15-298-GE-CSS
)	
v.	)	AFFIDAVIT OF DONALD A. LANE
	)	IN SUPPORT OF JEFFREY
Duke Energy Ohio, Inc.	)	PITZER'S THIRD MOTION
	)	TO COMPEL
Respondent)	

Donald A. Lane, after having been duly sworn and cautioned, states as follows:

1. I am counsel to Jeffrey Pitzer, complainant in the above captioned matter. I submit this affidavit in support of Mr. Pitzer's third motion to compel. I have personal knowledge of all the facts set forth herein.

2. On October 8, 2015, I filed with the PUCO and served counsel for Respondent, Duke Energy Ohio, Inc. ("Duke"), with the deposition notice entitled "Notice of Corporate Designee Deposition Directed to Duke Energy Ohio, Inc." appearing on the case docket on that date.

3. On October 13, 2015, counsel for Duke responded to such notice with the letter attached as Exhibit A.

4. In response to such letter, I served Duke's counsel with the amended notice attached as Exhibit B. I did not file this notice with the PUCO but am doing so in connection with filing this motion, so that the same is a matter of record. Such notice attaches 32 pages of documents relating to the utility account at issue in this matter, which documents I served only on Duke's counsel since Duke has claimed that they are confidential.

5. In response to the amended notice, counsel for Duke sent the letter attached as Exhibit C.

6. As set forth in Mr. Pitzer's accompanying motion, an understanding of the documents is critical to the issues in this case, and Mr. Pitzer is unaware of any other steps he can take under 4901-1-23(C) to resolve the dispute with Duke.

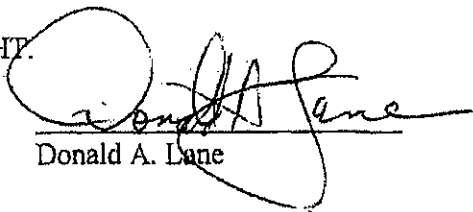
7. Attached as Exhibit D is a copy of the second set of discovery that Mr. Pitzer, through my office, served on Duke, through its counsel. Request 1 in such set of discovery is at issue in this motion.

8. Attached as Exhibit E is a copy of Duke's responses to the above-referenced discovery.

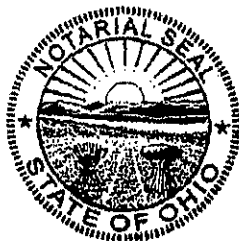
9. Attached as Exhibit F is a copy of a letter I sent to counsel for Duke, seeking, *inter alia*, the documents sought in Mr. Pitzer's Request 1, referenced above.

10. Attached as Exhibit G is Duke's response to such request.

FURTHER AFFIANT SAYETH NAUGHT.


Donald A. Lane

Sworn to before me and subscribed in my presence this 3rd day of November, 2015.

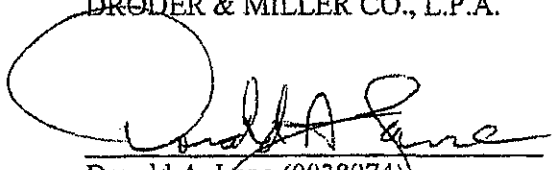


Christopher J. Wise, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.


Notary Public

Respectfully submitted,

DRODER & MILLER CO., L.P.A.


Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer
125 West Central Parkway
Cincinnati, Ohio 45202-1006
Phone (513) 721-1504 x304
Fax (513) 721-0310
dlane@drodermiller.com

CERTIFICATE OF SERVICE

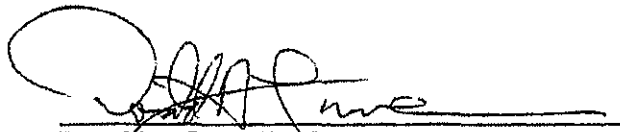
I hereby certify that a copy of the foregoing has been served upon the following by electronic mail on this 3rd day of November, 2015:

Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
bcmcmahon@emclawyers.com
Attorney for Duke Energy Ohio, Inc.

Amy B. Spiller
Elizabeth H. Watts
139 East Fourth Street
Cincinnati, OH 45202
Amy.spiller@duke-energy.com
Attorneys for Duke Energy Ohio, Inc.

Bruce J. Weston
Terry L. Etter
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3482
Terry.etter@occ.ohio.gov
*Outside Counsel for the Office of
The Ohio Consumers' Counsel*

Kimberly W. Bojko
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 N. High Street
Columbus, Ohio 43215
bojko@carpenterlipps.com
Office of the Ohio Consumers' Counsel


Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer



David A. Eberly**
Robert A. McMahon*
Ted Copetas

Attorneys at Law

*Also admitted in Kentucky

**Also admitted in Indiana

October 13, 2015

VIA EMAIL

Donald A. Lane, Esq.
Droder & Miller Co., L.P.A.
125 W. Central Parkway
Cincinnati, OH 45202

Re: Jeffrey Pitzer v. Duke Energy Ohio, Inc.
PUCO Case No. 15-298-GE-CSS

Dear Don:

This letter follows on your service of Jeffrey Pitzer's Notice of Corporate Designee Deposition Directed to Duke Energy Ohio, Inc. (the "Corporate Designee Notice") on October 8.

Duke Energy Ohio, Inc. cannot possibly identify one or more corporate representatives "to testify concerning all of the documents it has produced in this matter and pursuant to the October 16, 2013 subpoena served on Duke by Gail Lykins, concerning the gas and electric utility account for 11312 Orchard, Cincinnati, Ohio." That request is incredibly overbroad. The documents produced in this case and in response to the subpoena referenced in the Corporate Designee Notice relate to a wide variety of subject matters. Because the Corporate Designee Notice fails to "designate with reasonable particularity the matters on which the examination is requested," as required by OAC 4901-1-21(F), Duke Energy Ohio, Inc. cannot make any corporate representative available for deposition. If you provide a Corporate Designee Notice that complies with the law and identifies "with reasonable particularity" the issues or matters for which you seek a deposition, we will identify the correct person(s) and proceed accordingly.

As for the timing of any such depositions, we appreciate the commitment to coordinate the actual date. In that regard, Amy Spiller and I are available the week of November 9, not the prior week. Of course, the precise schedule will depend on the availability of the appropriate person(s) to testify to the particular matters identified in a modified Corporate Designee Notice.

Very Truly Yours,

Robert A. McMahon

cc: Amy B. Spiller, Esq., Duke Energy Ohio, Inc. (via email)

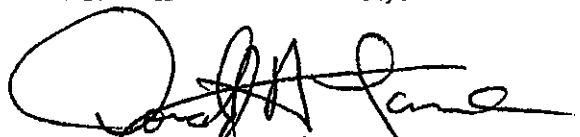
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Jeffrey Pitzer)	
)	
Complainant,	)	Case No. 15-298-GE-CSS
)	
v.	)	JEFFREY PITZER'S AMENDED
	)	NOTICE OF CORPORATE
Duke Energy Ohio, Inc.	)	DESIGNEE DEPOSITION
	)	DIRECTED TO DUKE ENERGY
Respondent	)	OHIO, INC.,
)	

Pursuant to OAC 4901-1-21(B) and (F), Complainant, Jeffrey Pitzer, requests that Respondent, Duke Energy Ohio, Inc. ("Duke"), designate one or more persons to testify concerning the documents attached to this notice and related account activities concerning the gas and electric utility account for 11312 Orchard, Cincinnati, Ohio. Such deposition shall take place at a time and place mutually convenient to all parties.

Respectfully submitted,

DRODER & MILLER CO., L.P.A.



Donald A. Lane (0038974)
 Attorney for Complainant, Jeffrey Pitzer
 125 West Central Parkway
 Cincinnati, Ohio 45202
 513/721-1504 x304
 513/721-0310 fax
dlane@drodermiller.com

CERTIFICATE OF SERVICE

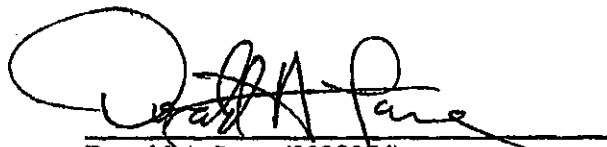
I hereby certify that a copy of the foregoing Amended Notice of Corporate Designee Deposition Directed to Duke Energy Ohio, Inc. has been served upon the following by electronic mail this 21st day of October, 2015:

Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
bmcmahon@emclawyers.com
Attorney for Duke Energy Ohio, Inc.

Amy B. Spiller
Elizabeth H. Watts
139 East Fourth Street
Cincinnati, Ohio 45202
Amy.spiller@duke-energy.com
Attorneys for Duke Energy Ohio, Inc.

Bruce J. Weston
Terry L. Etter
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3482
Terry.etter@occ.ohio.gov
*Outside Counsel for the Office of
The Ohio Consumers' Counsel*

Kimberly W. Bojko
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
bojko@carpenterlipps.com
Office of the Ohio Consumers' Counsel


Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer

**CONFIDENTIAL DOCUMENTS
ATTACHED ONLY TO SERVICE COPY
ON
DUKE ENERGY OHIO, INC.**



139 East Fourth Street-1303-Main
P.O. Box 960
Cincinnati, Ohio 45201-0960
Tel: 513-287-4359
Fax: 513-287-4385
Amy.Spiller@duke-energy.com

Amy B. Spiller
Deputy General Counsel

October 22, 2015

VIA ELECTRONIC MAIL DELIVERY

Donald A. Lane (dlane@drodermiller.com)
Droder & Miller Co., LPA
125 West Central Parkway
Cincinnati, Ohio 45202

Re: *Pitzer v. Duke Energy Ohio, Inc.*
Case No. 15-298-GE-CSS

Dear Don:

Please accept this correspondence in response to your amended notice of corporate designee deposition, sent on October 21, 2015.

As we shared on October 13, the rule requires you to identify, with reasonable particularity, the matters on which examination is requested. In attempting to satisfy this requirement, you have stated generally that you intend to inquire into certain documents and "related account activities concerning the gas and electric utility account..." Renewing our prior comments, this statement is simply too broad for us to even begin to identify the appropriate corporate designate.

Notably, the documents refer to a wide variety of activities and some of the documents reflect periods of time well after the months relevant to the pending proceeding. At this time, therefore, we cannot reasonably identify an appropriate witness on behalf of Duke Energy Ohio. We would thus ask that you promptly identify, with reasonable particularity, the matters about which you intend to inquire.

In terms of timing, we have previously shared with you that counsel is available the week of November 8. However, at this time, given the deficient Rule 30(B)(5) notice and our current inability to identify the appropriate witness and inquire into their availability, we cannot confirm that the deposition will proceed that week. I raise this point only to avoid any false expectations as to deposition dates prior to the December 2 hearing.

We look forward to receiving additional information.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Amy B. Spiller', written over a horizontal line.

Amy B. Spiller

cc: Bob McMahon (via e-mail)

Exhibit C

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**PLAINTIFF, JEFFREY FITZER'S, SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED
TO DEFENDANT, DUKE ENERGY OHIO, INC.**

Complainant, Jeffrey Pitzer, propounds the following interrogatory and requests for production of documents to Defendant, Duke Energy Ohio, Inc. ("Duke"), and respectfully requests that full responses to the same be made within the time period specified in the applicable procedural rules.

INSTRUCTIONS FOR ANSWERING

1. Please produce all information which is in your possession or control or within the possession and control of your attorneys, investigators, agents, employees or other representatives of you or your attorney or insurance company.
2. Where an interrogatory calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.
3. You are reminded that all answers must be made separately and fully and that an incomplete or evasive answer is a failure to answer.
5. You are under a continuing duty to seasonably supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of any person expected to be called as a fact or expert witness at hearing of this matter and the subject matter on which he or she is expected to testify and to correct any response which you know or later learn is incorrect.

1. Produce for inspection any and all internal procedures used by Duke relating to the following that were in effect during calendar year 2011:

- (a) *billing of customers*
- (b) collection of customer bills and accounts
- (c) disconnection procedures
- (d) compliance with OAC Chapter 4901:1-18

RESPONSE:

2. Identify any Duke employees or contractors who performed services at 11312 Orchard Street, Cincinnati, Ohio 45241 from January 1, 2005 to November 30, 2011.

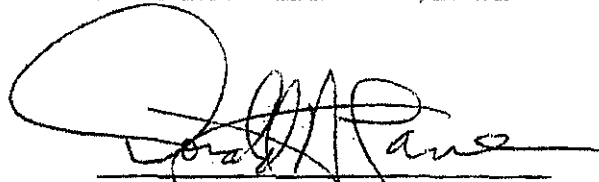
RESPONSE:

3. Produce for inspection any and all documents relating to Request 2.

RESPONSE:

Respectfully submitted,

DRODER & MILLER CO., L.P.A.

A handwritten signature in black ink, appearing to read "Donald A. Lane", is written over a horizontal line.

Donald A. Lane (0038974)
Attorney for Complainant, Jeffrey Pitzer
125 West Central Parkway
Cincinnati, Ohio 45202-1006
Phone (513) 721-1504 x304
Fax (513) 721-0310
dlane@drodermiller.com

CERTIFICATE OF SERVICE

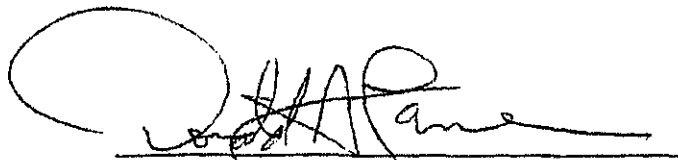
I hereby certify that a copy of the foregoing has been served upon the following by electronic mail on this 28th day of September, 2015:

Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206
bcmahon@emclawyers.com
Attorney for Duke Energy Ohio, Inc.

Amy B. Spiller
Elizabeth H. Watts
139 East Fourth Street
Cincinnati, OH 45202
Amy.spiller@duke-energy.com
Attorneys for Duke Energy Ohio, Inc.

Bruce J. Weston
Terry L. Etter
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3482
Terry.etter@occ.ohio.gov
*Outside Counsel for the Office of
The Ohio Consumers' Counsel*

Kimberly W. Bojko
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 N. High Street
Columbus, Ohio 43215
bojko@carpenterlipps.com
Office of the Ohio Consumers' Counsel



Donald A. Lane (0038974)
Attorney for Complainant Jeffrey Pitzer

VERIFICATION

STATE OF OHIO :
: **SS:**
COUNTY OF _____ :

I hereby verify, to the best of my knowledge, that the information provided in the foregoing responses is true and accurate.

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 2015.

Notary Public

**Duke Energy Ohio
Case No. 15-298-GE-CSS
PITZER Second Set of Interrogatories
Date Received: September 28, 2015**

PITZER-INT-02-001

REQUEST:

Produce for inspection any and all internal procedures used by Duke relating to the following that were in effect during calendar year 2011:

- (a) billing of customers
- (b) collection of customer bills and accounts
- (c) disconnection procedures
- (d) compliance with OAC Chapter 4901:1-18

RESPONSE:

Objection. This Interrogatory is overly broad and unduly burdensome. Furthermore, it seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence. Additionally, this Interrogatory must be construed as intending to harass given that it seeks to elicit information related to O.A.C. 4901:1-18 in its entirety. Said code section pertains to, among other things, disconnection of service for fraud and tamper, to eliminate a hazard, or because the provision of service conflicts with a law. Such issues have no bearing on the Complaint in this proceeding. Moreover, it seeks documents that are business proprietary and confidential.

PERSON RESPONSIBLE: Legal

Duke Energy Ohio
Case No. 15-298-GE-CSS
PITZER Second Set of Interrogatories
Date Received: September 28, 2015

PITZER-INT-02-002

REQUEST:

Identify any Duke employees or contractors who performed services at 11312 Orchard Street, Cincinnati, Ohio 45241 from January 1, 2005 to November 30, 2011.

RESPONSE:

Objection. This Interrogatory is overly broad and unduly burdensome. Furthermore, it seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence. Moreover, the term "services" is vague and open to different interpretation, thereby causing Duke Energy Ohio to engage in impermissible speculation and guesswork. Further, this Interrogatory is reflective of questions previously answered by Duke Energy Ohio and, as such, it must be seen as intending to harass. Without waiving said objection, to the extent discoverable, in the spirit of discovery, and with regard to the period between August 3, 2011 and November 20, 2011, Duke Energy has previously identified the name of technician Josh Danzinger as disconnecting service on November 4, 2011.

PERSON RESPONSIBLE: Legal

Duke Energy Ohio
Case No. 15-298-GE-CSS
PITZER Second Set of Interrogatories
Date Received: September 28, 2015

PITZER-INT-02-003

REQUEST:

Produce for inspection any and all documents relating to Request 2.

RESPONSE:

Objection. This Interrogatory is overly broad and unduly burdensome. Furthermore, it seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence. Moreover, the term "services" is vague and open to different interpretation, thereby causing Duke Energy Ohio to engage in impermissible speculation and guesswork. Further, this Interrogatory is reflective of questions previously answered by Duke Energy Ohio and, as such, it must be seen as intending to harass. Without waiving said objection, to the extent discoverable, in the spirit of discovery, and with regard to the period between August 3, 2011 and November 20, 2011, Duke Energy has previously identified the name of technician Josh Danzinger as disconnecting service on November 4, 2011. Without waiving said objection and in the spirit of discovery, see response to PITZER-INT-02-002.

PERSON RESPONSIBLE: Legal

125 West Central Parkway • Cincinnati, Ohio 45202 • 513-721-1504 • drodermiller.com

October 22, 2015

Via E-Mail To All

Robert A. McMahon
Eberly McMahon Copetas LLC
2321 Kemper Lane, Suite 100
Cincinnati, Ohio 45206

Amy B. Spiller
139 East Fourth Street
Cincinnati, Ohio 45202

Re: *Pitzer v. Duke*
PUCO Case No. 15-298-GE-CSS

Dear Mr. McMahon and Ms. Spiller:

Complainant, Jeffrey Pitzer, is in receipt of the responses tendered by Duke Energy Ohio, Inc. ("Duke") to the second set of discovery served on it in the above matter. This letter constitutes Mr. Pitzer's good faith attempt to resolve his discovery dispute with Duke, occasioned by such responses, under OAC 4901-1-23(C).

Document Request One merely seeks documentation of the billing and disconnection procedures at issue in this case. In case the request is not clear, Mr. Pitzer is merely seeking any internal documents that would have been applicable to the residential service at issue here during the time period at issue, to wit, 2011. Clearly, these procedures dictate the way Duke went about disconnecting service and otherwise complying with the mandates of OAC Chapter 4901:1-18. We appreciate Duke producing such procedures or verifying why it did not have any such procedures or no longer has record of them.

We sincerely thank you for your cooperation.

Very truly yours,

DRODER & MILLER CO., L.P.A.

By Donald A. Lane



DAL/jed
cc: Terry L. Etter
cc: Kimberly W. Bojko

Proud Neighbors in Over-the-Rhine

Exhibit F



David A. Eberly**
Robert A. McMahon*
Ted Copetas

Attorneys at Law

*Also admitted in Kentucky
**Also admitted in Indiana

October 27, 2015

VIA EMAIL

Donald A. Lane, Esq.
Droder & Miller Co., L.P.A.
125 W. Central Parkway
Cincinnati, OH 45202

Re: Jeffrey Pitzer v. Duke Energy Ohio, Inc.
PUCO Case No. 15-298-GE-CSS

Dear Don:

This letter responds to your letter dated October 22 regarding Duke Energy Ohio, Inc.'s response to "Document Request One" of the Second Set of Interrogatories and Requests for Production of Documents propounded by Jeffrey Pitzer.

Notably, you flatly mischaracterize the subject discovery request in your letter: it is not remotely true that Document Request One "merely seeks documentation of the billing and disconnection procedures at issue in this case." In reality, the discovery request is far, far broader in its scope, seeks innumerable confidential and proprietary documents that have nothing to do with this case, and imposes an unreasonable burden on Duke Energy Ohio. Duke Energy Ohio is more than willing to engage in reasonable and relevant discovery in accordance with applicable rules, but it cannot respond to overbroad and unreasonable discovery requests of this nature, nor is the Company obligated to do so. Accordingly, Duke Energy Ohio stands by its valid objections to this discovery request.

Very Truly Yours,

Robert A. McMahon

cc: Amy B. Spiller, Esq., Duke Energy Ohio, Inc. (via email)

Exhibit G