

**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.	)	

**DIRECT TESTIMONY  
OF  
JAMES D. WILLIAMS**

**On Behalf of**  
**The Office of the Ohio Consumers' Counsel**  
*10 West Broad Street, Suite 1800*  
*Columbus, Ohio 43215-3485*

*December 30, 2015*

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## **ATTACHMENTS**

JDW-1	List of Previous Testimony Filed at the PUCO by James Williams
JDW-2	August 4, 2011 Bill
JDW-3	September 2, 2011 Bill
JDW-4	October 4, 2011 Bill
JDW-5	November 2, 2011 Bill
JDW-6	Duke Response to OCC-INT-01-038
JDW-7	Duke Report of Service Disconnections for Nonpayment
JDW-8	Duke Response to OCC-INT-01-009
JDW-9	Generic Final Disconnection Notice
JDW-10	Duke Response to PITZER-POD-01-006
JDW-11	Duke Response to OCC-INT-01-012
JDW-12	Disconnection of Service, Ohio Winter Notice

1    **I.        INTRODUCTION**

2

3    ***Q1.    PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND POSITION.***

4    ***A1.***    My name is James D. Williams. My business address is 10 West Broad Street,  
5            18<sup>th</sup> Floor, Columbus, Ohio, 43215-3485. I am employed by the Office of the  
6            Ohio Consumers' Counsel ("OCC") as a Senior Consumer Protection Research  
7            Analyst.

8

9    ***Q2.    PLEASE BRIEFLY SUMMARIZE YOUR EDUCATION AND***

10    ***PROFESSIONAL EXPERIENCE***

11    ***A2.***    I am a 1994 graduate of Webster University, in St. Louis, Missouri, with a Master  
12            in Business Administration, and a 1978 graduate of Franklin University, in  
13            Columbus, Ohio, with a Bachelor of Science, Engineering Technology. My  
14            professional experience includes a career in the Air Force and 20 years of utility  
15            regulatory experience with the OCC.

16

17            Initially, I served as a compliance specialist with the OCC and my duties included  
18            the development of compliance programs for electric, natural gas, and water  
19            industries. Later, I was appointed to manage all of the agency's compliance  
20            specialists who were developing compliance programs in each of the utility  
21            industries. My role evolved into the management of the OCC consumer hotline,  
22            the direct service provided to consumers to resolve complaints, and inquiries that  
23            involved Ohio utilities. More recently, as a Senior Consumer Protection Research

Analyst, I am responsible for investigating and recommending policy positions on issues that affect residential consumers.

My experience has allowed me to assist in the formulation of OCC positions in rulemakings such as the Residential Credit and Disconnection Standards,<sup>1</sup> set forth in Ohio Administrative Code 4901:1-17 and 4901:1-18. I have also participated extensively in Public Utilities Commission of Ohio (“PUCO” or “Commission”) rulemaking investigations involving the natural gas and electric service and safety standards set forth in Ohio Administrative Code 4901:1-13 and 4901:1-10. Specific to this proceeding, my experience includes analysis of Ohio disconnection standards and rules, special winter reconnection procedures issued by the PUCO, review of statewide disconnection data, and cases involving ratemaking to address utility bad debt.

***Q3. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY OR TESTIFIED BEFORE THE PUCO?***

***A3.*** Yes. The cases in which I have submitted testimony and/or have testified before the PUCO are identified in Attachment JDW-1.

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<sup>1</sup> *In the Matter of the Commission's Review of Chapters 4901:1-10 of the Ohio Administrative Code Regarding Electric Companies*, Case No. 12-2050-EL-ORD.

**II. PURPOSE OF MY TESTIMONY**

***Q4. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?***

**A4.** The purpose of my testimony is to demonstrate that it was unreasonable and unlawful for Duke Energy Ohio, Inc. ("Duke") to disconnect the electric service of the Easterling family at 11312 Orchard St., Cincinnati Ohio on November 4, 2011. Specifically, it was unreasonable and unlawful for Duke to do the following:

1. Duke failed to provide sufficient personal notice to the Easterlings on the day of disconnection of service.
2. Duke did not provide a final disconnection notice that informed the Easterlings of their right to allocate their payments separately to gas and electric service(s) for the purpose of maintaining one of those services.
3. As a combination utility, Duke made the unilateral decision to disconnect the Easterlings' electric service, which provided fewer options for the Easterlings to maintain heat.
4. Duke did not follow its own credit and collection policies and practices that were in effect at the time the Easterlings' electric service was disconnected. Payments made on October 11, 2011 should have resulted in a reevaluation of the pending disconnection action.

- 1                   5.       Duke's disconnection notice(s) lacked clarity and sufficient  
2                               detail to enable the Easterlings to understand their options  
3                               to avoid loss of service.
- 4                   6.       Duke failed to comply with the PUCO's special winter  
5                               reconnection Order<sup>2</sup> provisions that were in effect a full  
6                               seventeen days prior to Duke disconnecting the Easterlings'  
7                               electric service.
- 8                   7.       Duke failed to provide an additional ten-day notice, which  
9                               would have given the Easterlings more time to seek  
10                              alternatives for avoiding the disconnection as required by  
11                              PUCO rules.

12

13   **III.   ISSUES**

14

15   ***Q5.   CAN YOU BRIEFLY SUMMARIZE THE BILLS THAT WERE RENDERED***  
16                   ***TO THE EASTERLINGS BETWEEN AUGUST 1, 2011 AND OCTOBER 4,***  
17                   ***2011?***

18   ***A5.***   Yes. On August 4, 2011, Duke prepared a bill for the Easterlings in the amount  
19                   of \$143.49 for combined natural gas and electric services.<sup>3</sup> The total amount due  
20                   was split between the natural gas and electric services, in the amount of \$38.03

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<sup>2</sup> *In the Matter of the Commission's Consideration of Solutions Concerning the Disconnection of Gas and Electric Service in Winter Emergencies for 2011-2012 Winter Heating Season*, Case No. 11-419-GE-UNC Finding and Order (September 14, 2011) ("2011 Winter Reconnection Order") at 11.

<sup>3</sup> See August bill attached to the Complaint (attached hereto as JDW-2).

1 and \$105.46 respectively. The bill's due date was August 26, 2011. On August  
2 1, 2011, the Easterlings made a payment of \$178.21, presumably for their July  
3 2011 combined gas and electric bill. The August 4, 2011 bill reflects that the  
4 Easterlings owed Duke no past balance at that time because the August 1, 2011  
5 payment had been received by Duke, and was reflected on the billing statement.  
6 On September 2, 2011, Duke prepared a bill in the amount of \$248.82 for  
7 combined natural gas and electric services.<sup>4</sup> The bill due date was September 27,  
8 2011. The combined bill consisted of total current charges of \$103.18, split  
9 between natural gas and electric services in the amounts of \$36.85 and \$66.33,  
10 respectively. The September 2, 2011 combined bill also included a balance of  
11 \$145.64 forwarded from the August 4, 2011 bill (\$143.49) and a late payment  
12 charge of \$2.15. Finally, the September 2, 2011 combined bill included a  
13 "Reminder Notice" that payment for the previous month's bill had not been  
14 received.

15  
16 On October 4, 2011, Duke prepared a combined bill ("the October 4 bill") in the  
17 amount of \$373.06 for natural gas and electric services.<sup>5</sup> The October 4 bill's due  
18 date was October 26, 2011. The bill consisted of current charges of \$120.51 split  
19 between natural gas and electric services in the amounts of \$78.77 and \$41.74,  
20 respectively. The October 4 bill also included a \$252.55 balance forwarded,  
21 consisting of the August 4, 2011 bill of \$143.49 plus a late payment charge of

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<sup>4</sup> See September bill attached to Complaint (attached hereto as JDW-3).

<sup>5</sup> See October 4 bill attached to Complaint (attached hereto as JDW-4).

1       \$2.15 and the September 4, 2011 bill of \$103.18 plus a late payment charge of  
2       \$3.73. The October 4 combined gas and electric bill reflects the total amount  
3       owed after October 26, 2011 as \$378.66. Finally the October 4 bill included a  
4       disconnection notice and a message titled "Important" advising that service may  
5       be disconnected if the past due-balance of \$248.82 was not paid before October  
6       28, 2011.

7  
8   ***Q6. CAN YOU BRIEFLY DESCRIBE PAYMENTS THAT WERE MADE ON THE***  
9   ***EASTERLING ACCOUNT BETWEEN AUGUST 26, 2011 AND NOVEMBER***  
10 ***1, 2011?***

11 ***A6.*** Yes. On either October 11 or October 12, 2011,<sup>6</sup> a payment of \$143.49 was made  
12 on the account. Presumably this payment was for the combined gas and electric  
13 bill that was due on August 26, 2011.

14  
15 ***Q7. SO WHAT WAS THE TOTAL AMOUNT OWED THAT CAUSED DUKE TO***  
16 ***PROCEED WITH THE DISCONNECTION OF THE EASTERLINGS'***  
17 ***ELECTRIC SERVICE?***

18 ***A7.*** The disconnection notice portion of the October 4 bill stated that the Easterlings  
19 needed to pay \$242.82 for combined gas and electric utility service by October  
20 28, 2011 to avoid disconnection. A payment of \$143.49 was made on October 11,  
21 2011, leaving a balance of \$105.48 in arrearages for both gas and electric service.

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<sup>6</sup> Duke's bill from November 2, 2011 attached to the Complaint reflects a payment on October 11, 2011 (see attachment JDW-5). According to Duke's discovery response to OCC-INT-01-038, the payment was received on October 12, 2011 (see attachment JDW-6).



1        Thus, Duke apparently disconnected the Easterlings' electric service for non-  
2        payment of \$105.33. This amount consists of the \$103.18 owed from the  
3        September 4, 2011 combined bill and the \$2.15 late payment charge that remained  
4        unpaid from the August 4, 2011 bill. Specific to electric service, the amount that  
5        influenced Duke's disconnection of service was \$67.91, which included the  
6        September 4, 2011 billed amount of \$66.33 and a late payment charge of \$1.58  
7        remaining unpaid from the August 4, 2011 bill.

8

9        ***Q8. WAS THE EASTERLING'S NATURAL GAS SERVICE DISCONNECTED***  
10       ***FOR NON-PAYMENT?***

11       ***A8.*** From the documentation provided by Duke, it appears that it was not as the  
12       disconnection work order for natural gas services to the Easterlings property was  
13       cancelled. The amount that was owed in past due natural gas charges on October  
14       28, 2011 ("the threatened disconnection date") was \$37.42. This amount  
15       consisted of the unpaid September bill in the amount of \$36.85 and a \$0.57 late  
16       payment charge remaining from the August 4, 2011 bill.

1   ***Q9.   ACCORDING TO DUKE’S POLICIES AS OF OCTOBER 28, 2011, WHAT***  
2                   ***WERE DUKE’S MINIMUM REQUIREMENTS FOR DISCONNECTION OF***  
3                   ***UTILITY SERVICE(S)?***

4   ***A9.***   Duke’s minimum requirements for disconnection includes a sixty-day arrearage, a  
5           balance of more than \$100, no active payment arrangements, and the first and  
6           second disconnection notices had to have been delivered.<sup>7</sup>

7  
8   ***Q10.   DID THE EASTERLINGS HAVE A SIXTY-DAY ARREARAGE FOR***  
9                   ***EITHER THEIR NATURAL GAS OR ELECTRIC SERVICE ON OCTOBER***  
10                  ***28, 2011?***

11   ***A10.***   No. The Easterlings had a thirty-day arrearage from their September natural gas  
12           and electric services charges of \$103.18. The amount that the Easterlings may  
13           have owed Duke that could have been considered as sixty-days in arrears was the  
14           \$2.15 late payment charge that was not paid when the Easterlings paid their  
15           August bill on October 11, 2011. Non-payment of the \$2.15 should not have  
16           triggered a disconnection though, because Duke had a \$100.00 disconnection  
17           threshold policy in place at the time. Additionally, neither the electric service  
18           arrearage nor the natural gas arrearage separately satisfied Duke’s \$100.00  
19           disconnection threshold policy.

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<sup>7</sup> *In the Matter of the Five-Year Review of Natural Gas Company Uncollectible Riders*, Case No. 08-1229-GA-COI, Review of the Credit and Collection Policies and Practices of Columbia Gas of Ohio, Dominion East Ohio, Duke Energy of Ohio and Vectren Energy Delivery of Ohio (May 3, 2010) at III-24.

1    ***Q11. HOW DOES THE \$105.48 OWED BY THE EASTERLINGS COMPARE***  
2                   ***WITH THE ARREARS OF OTHER DUKE CUSTOMERS WHO WERE***  
3                   ***DISCONNECTED IN OCTOBER/NOVEMBER 2011?***

4    ***A11.*** The Easterlings owed far less than other Duke customers who were disconnected  
5           in October 2011. According to the Duke Report of Service Disconnections for  
6           Nonpayment<sup>8</sup> (attached hereto as JDW-8), there were 7,577 disconnections  
7           performed by Duke in October 2011. The total amount of unpaid bills subject to  
8           disconnection was \$2,870,357. Therefore, the average disconnection amount of  
9           Duke residential customers in October 2011 was \$378.82. This amount is well  
10          over three times the amount of arrearages owed by the Easterlings.

11  
12         According to the Duke disconnection report contained in JDW-8, there were  
13         4,979 residential customers disconnected in November 2011. The total amount of  
14         unpaid bills subject to disconnection was \$1,705,307. Therefore, the average  
15         disconnection amount was \$342.50. This is well above the arrears owed by the  
16         Easterlings that was reflected on the November 2, 2011 bill as shown in JDW-5.

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<sup>8</sup> *In the Matter of the Annual Report of Service Disconnections for Nonpayment, as Required by Section 4933.123, Revised Code, Case No. 12-1449-GE-UNC (July 24, 2012).*

1   ***Q12. WERE THERE ANY ADDITIONAL DISCONNECTION NOTICE(S)***  
2           ***PROVIDED TO THE EASTERLINGS AFTER THE \$143.49 PAYMENT WAS***  
3           ***MADE ON OCTOBER 11, 2011?***

4   ***A12.*** While Duke claims that it provided an additional ten-day notice (presumably on  
5           October 19, 2011),<sup>9</sup> Duke has not produced a copy of the actual ten-day notice  
6           sent to the Easterlings. Instead, Duke has provided a copy of a generic ten-day  
7           notice titled the “Final Disconnection Notice,” which is not addressed to the  
8           Easterlings. Given the significant public health and safety concerns associated  
9           with disconnecting gas and/or electric services, Duke should be able to produce  
10          actual copies of the notices that were delivered to the Easterlings. A copy of the  
11          generic notice provided in response to OCC-POD-01-006 is attached hereto as  
12          JDW-10. Additionally, Duke’s response to PITZER-POD-01-006 and the  
13          attachment PITZER-POD-01-004 (attached herein as JDW-11) raises questions  
14          regarding any disconnection notices that Duke claims were provided to the  
15          Easterlings between August 2011 and December 2011. There were no  
16          disconnection notices provided in the discovery response.

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<sup>9</sup> Duke response to OCC-POD-01-009 (attached herein as JDW-9).

1    ***Q13.  BASED ON THE EASTERLINGS' \$143.49 PAYMENT (MADE ON***  
2           ***OCTOBER 11, 2011), SHOULD THE FINAL DISCONNECTION NOTICE***  
3           ***(IF DELIVERED) HAVE INFORMED THEM OF THE UPDATED***  
4           ***AMOUNT THEY NEEDED TO PAY IN ORDER TO AVOID A***  
5           ***DISCONNECTION OF SERVICE?***

6    ***A13.***  Yes, it would be reasonable for Duke to inform customers (like the Easterlings) of  
7           the amount they needed to pay to avoid disconnection.  But, the “generic” final  
8           disconnection notice that Duke provided (in lieu of the actual notice supposedly  
9           sent to the Easterlings) does not contain that information.  And given that an  
10          actual copy of the final notice as provided to the Easterlings is not available, it is  
11          unclear whether the final disconnection notice provided to the Easterlings  
12          (assuming it was in fact provided) would have included an updated disconnection  
13          amount.  The updated amount would include any payment amount that the  
14          Easterlings were still required to pay in order to avoid disconnection.  It appears,  
15          however, that any notice (if issued) merely would have directed the Easterlings to  
16          pay the amount stated in the message box marked “Important” in their last  
17          combined natural gas and electric bill (i.e., the October 4 bill).

18  
19    ***Q14.  DO YOU HAVE OTHER CONCERNS WITH THE FINAL***  
20           ***DISCONNECTION NOTICE?***

21    ***A14.***  Yes.  Duke claims it provided the final disconnection notice to the Easterlings on  
22          or about October 18, 2011.  However, the information included in the “generic”  
23          final disconnection notice about the Winter Reconnection Order was not updated

1 to reflect special winter reconnection provisions that were in effect from October  
2 17, 2011 through April 13, 2012.<sup>10</sup> Instead, Duke's "generic" Final  
3 Disconnection Notice provided to the Easterlings contained information about the  
4 availability of the Winter Reconnection Order from the previous year (October  
5 18, 2010 through April 15, 2011).<sup>11</sup> In addition, the "generic" Final  
6 Disconnection Notice (if even provided) did not inform the Easterlings about their  
7 right to choose to separate their services (i.e., have all payments applied to either  
8 the gas or electric service to retain one of the services) as customers of a  
9 combination gas and electric utility. Duke's "generic" Final Disconnection Notice  
10 is inconsistent with the Commission's rules.<sup>12</sup>

11  
12 ***Q15. CAN YOU PROVIDE A BRIEF DESCRIPTION OF THE 2011 WINTER***  
13 ***RECONNECTION ORDER?***

14 ***A15.*** Yes. On September 14, 2011, the PUCO issued an order that required all gas and  
15 electric utilities within the state to offer special winter disconnection and  
16 reconnection procedures for the period of time from October 17, 2011 through  
17 April 13, 2012. The Commission specifically emphasized the need for utility  
18 companies to assist customers in maintaining heating service. In the 2011 Winter  
19 Reconnection Order, the Commission stated:

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<sup>10</sup> 2011 Winter Reconnection Order at 11.

<sup>11</sup> A supplemental response to the "generic" Final Disconnection Notice did change the dates of the Winter Reconnect Order to October 17, 2011 through April 13, 2012.

<sup>12</sup> Ohio Adm. Code 4901:1-18-09(A).

1           (5)     For the 2011-2012 winter heating season, the Commission  
2                     expects that the utility companies under our jurisdiction  
3                     will **assist customers in every way possible to maintain**  
4                     **their service for heating purposes.** We expect the utilities  
5                     to advertise as much as practical the availability of the PIPP  
6                     Plus programs, as well as other standard payment plans  
7                     provided by Commission rule. Moreover, the Commission  
8                     expects the utilities to **err on the side of maintaining**  
9                     **service** when there is a doubt as to the applicability or the  
10                    interpretation of a rule.<sup>13</sup>

11  
12           (6)     In addition, upon consideration of the upcoming 2011-2012  
13                     winter heating season, the Commission again finds it  
14                     necessary and prudent to invoke the emergency provisions  
15                     of Section 4909.16, Revised Code, in order to **prevent**  
16                     **injury to affected residential customers** and support the  
17                     public interest....<sup>14</sup>

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<sup>13</sup> 2011 Winter Reconnection Order at 2 (emphasis added).

<sup>14</sup> Id.

1    ***Q16. CAN YOU DESCRIBE THE PUCO'S RULES ON DISCONNECTION OF***  
2            ***SERVICE WHERE THE CONSUMER RECEIVES BOTH ELECTRIC AND***  
3            ***GAS SERVICE FROM THE UTILITY ("COMBINATION UTILITY")?***

4    ***A16.*** Yes. Ohio Adm. Code 4901:1-18-09 requires Duke as a combination gas and  
5            electric utility to provide residential customers and consumers the same rights,  
6            under the Ohio disconnection rules, as customers of other gas and electric utilities  
7            who are not a combination utility. When faced with a disconnection for non-  
8            payment, Duke's customers have the right to choose between maintaining either  
9            their natural gas or their electric service. To effectuate this choice, the rules  
10           require a combination utility to offer and provide the residential customer with  
11           two extended payment plan options whenever one of its customers has received a  
12           disconnection of service notice.<sup>15</sup>

13  
14           Additionally, the combination utility is required in its disconnection notice to  
15           advise customers of their right, if they enter into a payment plan, to select which  
16           service is retained (if only one service is disconnected). The notice must also  
17           include the specific conditions under which a customer may exercise his rights,  
18           and must provide a phone number and business address of a utility representative  
19           that may be contacted to discuss the customer's rights.<sup>16</sup>

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<sup>15</sup> Ohio Adm. Code 4901:1-18-09(C).

<sup>16</sup> Ohio Adm. Code 4901:1-18-09(F).



1 **Q17. DID THE “GENERIC” FINAL DISCONNECTION NOTICE INCLUDE**  
2 **INFORMATION ABOUT THE CUSTOMER’S RIGHT TO SEPARATE ITS**  
3 **SERVICES AND SELECT WHICH SERVICE MAY BE RETAINED?**

4 **A17.** No.

5  
6 **Q18. DID THE “GENERIC” FINAL DISCONNECTION NOTICE OUTLINE THE**  
7 **SPECIFIC CONDITIONS UNDER WHICH A CUSTOMER MAY EXERCISE**  
8 **HIS RIGHTS AND PROVIDE DUKE’S CONTACT INFORMATION TO**  
9 **DISCUSS THOSE RIGHTS?**

10 **A18.** No.

11

12 **Q19. BECAUSE THE “GENERIC” FINAL DISCONNECTION NOTICE**  
13 **INCLUDED NO INFORMATION ABOUT THE SEPARATION OF SERVICE**  
14 **RULE, WHO MADE THE DECISION TO DISCONNECT ELECTRIC**  
15 **SERVICE AS OPPOSED TO THE NATURAL GAS SERVICE?**

16 **A19.** I can only conclude that it must have been Duke. In fact, the internal Duke order  
17 associated with disconnecting the Easterlings’ natural gas service was cancelled at  
18 12:18 P.M. on November 4, 2011. The Duke order cancelling the natural gas  
19 disconnection occurred two minutes after the electric service was disconnected at  
20 12:16 P.M. on November 4, 2011.<sup>17</sup>

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<sup>17</sup> Transcript of the Deposition of Marion Byndon (December 3, 2015) at 55-58.

1    ***Q20. DO YOU KNOW WHEN DUKE ACTUALLY SCHEDULED THE***  
2            ***DISCONNECTION OF THE ELECTRIC SERVICE AT THE EASTERLING***  
3            ***RESIDENCE?***

4    ***A20.*** Yes. According to Duke's response to OCC-INT-01-012 (attached herein as  
5            JDW-11), the disconnection for non-payment order was created on the evening of  
6            November 2, 2011.

7  
8    ***Q21. ARE THERE SPECIAL NOTIFICATION REQUIREMENTS FOR***  
9            ***DISCONNECTIONS THAT OCCUR BETWEEN NOVEMBER FIRST AND***  
10           ***APRIL FIFTEENTH?***

11   ***A21.*** Yes. Ohio Adm. Code 4901:1-18-06(B)(1) requires gas and electric utilities to  
12           provide a ten-day notice prior to the disconnection of service during the winter  
13           heating season. The notice extends the disconnection date by an additional ten  
14           days.

15  
16   ***Q22. DID DUKE PROVIDE THE REQUIRED TEN-DAY NOTICE PRIOR TO***  
17           ***DISCONNECTING THE EASTERLINGS' ELECTRIC SERVICE ON***  
18           ***NOVEMBER 4, 2011?***

19   ***A22.*** No, not to my knowledge. Duke has been unable to produce a copy of the actual  
20           ten-day notice sent to the Easterlings.

**Q23. WHAT IS THE EARLIEST DATE THAT DUKE SHOULD HAVE  
DISCONNECTED THE EASTERLINGS' ELECTRIC SERVICE BASED  
UPON THE PUCO'S RULES AND ITS DISCONNECTION POLICIES?**

**A23.** On November 2, 2011, Duke prepared a bill that included the then past due charges from the September 4, 2011 bill and the October 4, 2011 bill. This would have been the earliest date in which the Easterlings would have had a sixty-day arrearage that could qualify for disconnection based on Duke's policies. Because the bill and the actual order scheduling the disconnection occurred after November 1, 2011, at a minimum the October 28, 2011 threatened disconnection date on the October 4 bill should have been extended by an additional ten days.<sup>18</sup> Disconnection should not have occurred earlier than November 7, 2011.

The placement of the disconnect notice on the November 2, 2011 bill could also provide for much confusion about when the services would be disconnected. As seen in JDW-5, the due date of November 28, 2011 is immediately below the first "Disconnection Notice" heading that is displayed on the bill and would suggest there was no immediate need for an additional payment. The November 2 bill contained no other disconnection date.

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<sup>18</sup> See Ohio Adm. Code 4901:1-18-06(B)(1).

1   ***Q24. DID DUKE ACT UNREASONABLY IN DISCONNECTING THE***  
2       ***EASTERLINGS' ELECTRIC SERVICE ON NOVEMBER 4, 2011?***

3   ***A24.*** Yes. In light of Duke's policy stated above, and given the fact that the Easterlings  
4       made a substantial payment in October 2011, it was unreasonable for Duke to  
5       disconnect the Easterlings' electric service on November 4, 2011. The  
6       Easterlings were trying to keep their account current by making a significant  
7       payment on their outstanding bill. Duke's actions in this case are further shown  
8       to be unreasonable because the Easterlings owed a relatively small amount on  
9       their bill compared to amounts owed by other Duke residential customers who  
10      were disconnected during the same time.

11

12   ***Q25. WHAT RATIONALE DOES DUKE OFFER IN SUPPORT OF ITS***  
13       ***DISCONNECTION ACTIONS IN THIS CASE?***

14   ***A25.*** Duke has stated that the winter disconnection rules do not apply in this case  
15       because the usage that caused the arrearages occurred outside the winter heating  
16       season.<sup>19</sup>

17

18   ***Q26. DO YOU AGREE WITH DUKE'S RATIONALE?***

19   ***A26.*** No. The PUCO's winter disconnection rule, Ohio Adm. Code 4901:1-18-06(B),  
20       applies between November 1 and the following April 15th of each year. There is  
21       no condition in the rule that the usage must occur during this time frame. In fact,

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<sup>19</sup> Answer of Duke Energy Ohio, Inc. (February 27, 2015) at 5.

1 such a condition would thwart the rules, by rendering them inapplicable for  
2 protecting consumers until two months into winter, in January or February. This  
3 is because November usage would not be billed until December, and thus would  
4 not be in arrears until after the December due date. Generally speaking, Ohio  
5 typically has very cold weather in November, and the point of starting the winter  
6 heating season under the rules in November is to help ensure that Ohio's  
7 consumers can maintain heat for their homes during cold harsh weather.

8  
9 ***Q27. DO YOU BELIEVE DUKE VIOLATED THE PUCO'S WINTER***  
10 ***DISCONNECTION RULES?***

11 ***A27.*** I believe Duke violated the PUCO's winter disconnection rules. Duke claims that  
12 it sent a ten-day notice to the Easterlings on October 19, 2011, even though Ohio  
13 Adm. Code 4901:1-18-06(B) does not require such a notice until the winter  
14 heating season began on November 1. Duke also states that it disconnected  
15 electric service at the Easterlings' residence on November 4, 2011. Ohio Adm.  
16 Code 4901:1-18-06(B)(1), however, states that once a utility sends a customer the  
17 ten-day notice, the date of disconnection as stated on the 14-day notice is  
18 extended by ten days. The disconnection notice on the October bill stated "Your  
19 service may be disconnected if your past due amount is not paid before  
20 10/28/2011."<sup>20</sup> Under the rule, if Duke issued a ten-day notice on October 19,  
21 2011, the Easterlings' electric service should not have been disconnected before

---

<sup>20</sup> See Attachment JDW-4.

1 November 7, 2011 – ten days after the October 28 disconnection date on the  
2 October bill. If Duke in fact sent the ten-day notice to the Easterlings, it should  
3 have abided by the rule and added ten days to the earliest date for disconnection  
4 of service. I believe that the directives in the PUCO's Winter Reconnection Order  
5 also require adding at least another ten days.

6  
7 ***Q28. WHY?***

8 ***A28.*** In the Winter Reconnection Order, the PUCO directed utilities to assist customers  
9 in every way possible to maintain their service for heating purposes.<sup>21</sup> This  
10 would include giving the Easterlings the full additional ten days past the October  
11 28, 2011 disconnection date, per Ohio Adm. Code 4901:1-18-06(B)(1), before  
12 their electric service was disconnected.

13  
14 ***Q29. DO YOU BELIEVE THAT DUKE VIOLATED THE WINTER***  
15 ***RECONNECTION ORDER IN THIS CASE?***

16 ***A29.*** Yes, I do. There is nothing to suggest that Duke ever informed the Easterlings  
17 that their service would not be disconnected if they paid \$175, as provided in the  
18 Winter Reconnection Order. There was no notification of the \$175 payment  
19 option on the October 4 bill, which included a disconnection notice.<sup>22</sup> Apparently  
20 Duke provided notice about the Winter Reconnection Order only after the electric

---

<sup>21</sup> Case 11-4913-GE-UNC, Finding and Order at 2.

<sup>22</sup> There was also no notification regarding the \$175 payment option on the November 2, 2011 bill. See Attachment JDW-5.

1 service was already disconnected.<sup>23</sup> This, despite the fact that the PUCO issued  
2 the 2011 Winter Reconnection Order on September 14, 2011 – several weeks  
3 before any notices were generated. In addition, Duke should have taken into  
4 consideration that the Easterlings had made an effort to reduce the amount that  
5 was past due when they paid \$143.49 on October 11, 2011. Duke did not. Based  
6 on this, Duke did not assist the Easterlings in every way possible for them to  
7 maintain their electric service to heat their home.

8  
9 ***Q30. DO YOU HAVE CONCERNS WITH THE PERSONAL NOTICE THAT***  
10 ***DUKE SUPPOSEDLY PROVIDED THE EASTERLINGS ON NOVEMBER 4,***  
11 ***2011?***

12 ***A30.*** Yes. Ohio Adm. Code 4901:1-18-06(A)(2) requires a utility company to provide  
13 personal notice on the day that gas or electric services are disconnected. If  
14 personal notice is not made with an adult consumer at the home, a written notice  
15 is supposed to be attached to a conspicuous location prior to disconnecting  
16 service. This is apparently the generic disconnection of service notice Duke  
17 claims it left at the Easterlings' home when the service was disconnected.  
18 However, on November 4, 2011, the Duke technician arrived at the Easterlings'  
19 home to disconnect the electric service at 12:12 P.M.<sup>24</sup> The order to perform the  
20 disconnection was completed at 12:16 P.M.<sup>25</sup> Four minutes seems to be a short

---

<sup>23</sup> Generic Disconnection of Service Notice, Ohio Winter Notice (Duke's response to OCC-POD-01-006, attached hereto as JDW-12).

<sup>24</sup> Transcript of the Deposition of Marion Brydon (December 3, 2015) at 55.

<sup>25</sup> Id.

1 period of time for the Duke technician to provide personal notice, as required by  
2 the PUCO's rules, to the Easterlings.

3  
4 ***Q31. PLEASE SUMMARIZE THE CONCLUSIONS MADE IN YOUR***  
5 ***TESTIMONY.***

6 ***A31.*** I conclude that Duke violated the Commission's rules and orders when it  
7 disconnected the electric service at the Easterling residence on November 4, 2011.  
8 Duke did not disconnect the Easterlings' electric service until after the PUCO's  
9 winter heating rules took effect. That means the October 28, 2011 disconnection  
10 date on the October 4 bill should have been extended by at least ten days, to no  
11 earlier than November 7, 2011. In addition, based on Duke's "generic" Final  
12 Disconnection Notice, the final disconnection notice that Duke claims it provided  
13 the Easterlings did not include the amount that needed to be paid to avoid  
14 disconnection. Nor did the final disconnection notice advise the Easterlings about  
15 their right to separate gas and electric services so that they could have maintained  
16 one service for heat.

17  
18 Duke's disconnection of the Easterlings' electric service also was unreasonable,  
19 because it was inconsistent with Duke's disconnection policies in effect in 2011.  
20 The substantial payment of \$143.49 made by the Easterlings on October 11, 2011,  
21 should have delayed any further disconnection action. The Easterlings owed  
22 Duke \$105.33 after the October 11, 2011 payment was made, constituting a  
23 thirty-day arrearage. Duke's policy at the time was to disconnect service for



1           sixty-day arrears. In addition, the \$105.33 the Easterlings owed for their  
2           September 2011 bill was well below a third of the average arrears that qualified  
3           for disconnection by Duke in October 2011.

4

5   **IV. CONCLUSION**

6

7   ***Q32. DOES THIS CONCLUDE YOUR TESTIMONY?***

8   ***A32.*** Yes. However, I reserve the right to incorporate new information that may  
9           subsequently become available through outstanding discovery or otherwise.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing *Direct Testimony of James D. Williams on Behalf of the Office of the Ohio Consumers' Counsel* has been served via electronic transmission this 30<sup>th</sup> day of December 2015.

/s/Terry L. Etter

Terry L. Etter  
Assistant Consumers' Counsel

## **SERVICE LIST**

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

Amy B. Spiller  
Elizabeth H. Watts  
139 East Broad Street  
Cincinnati, Ohio 45202  
Amy.spiller@duke-energy.com  
Elizabeth.watts@duke-energy.com

Donald A. Lane  
Droder & Miller Co., LPA  
125 West Central Parkway  
Cincinnati, Ohio 45202-1006  
dlane@drodermiller.com

Attorney Examiner:

sarah.parrot@puc.state.oh.us

**Testimony of James D. Williams**  
**Filed at the Public Utilities Commission of Ohio**

1. *In the Matter of the Application of the Cincinnati Gas and Electric Company for an Increase in Its Rates for Gas Service to All Jurisdictional Customers, Case No. 95-0656-GA-AIR (August 12, 1996).*
2. *In the Matter of the Application of the Cincinnati Gas and Electric Company for an Increase in Its Rates for Gas Service to All Jurisdictional Customers, Case No. 01-1228-GA-AIR (February 15, 2002).*
3. *In the Matter of the Commission's Investigation into the Policies and Procedures of Ohio Power Company, Columbus Southern Power Company, The Cleveland Electric Illuminating Company, Ohio Edison Company, The Toledo Edison Company and Monongahela Power Company regarding installation of new line extensions, Case No. 01-2708-EL-COI (May 30, 2002).*
4. *In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion East Ohio for an Increase in Its Rates for Gas Service to All Jurisdictional Customers, Case No. 07-0829-GA-AIR (June 23, 2008).*
5. *In the Matter of the Application of the Columbia Gas of Ohio, Inc. for Authority to Amend Filed Tariffs to Increase the Rates and Charges for Gas Distribution, Case No. 08-072-GA-AIR (September 25, 2008).*
6. *In the Matter of a Settlement Agreement Between the Staff of the Public Utilities Commission of Ohio, The Office of the Consumers' Counsel and Aqua Ohio, Inc. Relating to Compliance with Customer Service Terms and Conditions Outlined in the Stipulation and Recommendation in Case No. 07-564-WW-AIR and the Standards for Waterworks Companies and Disposal System Companies, Case No. 08-1125-WW-UNC (February 17, 2009).*
7. *In the Matter of the Application of the Ohio American Water Company to Increase its Rates for water and Sewer Services Provided to its Entire Service Area, Case No. 09-391-WS-AIR (January 4, 2010).*
8. *In the Matter of the Application of Aqua Ohio, Inc. for Authority to Increase its Rates and Charges in its Masury Division, Case No. 09-560-WW-AIR (February 22, 2010).*
9. *In the Matter of the Application of Aqua Ohio, Inc. for Authority to Increase its Rates and Charges in Its Lake Erie Division, Case No. 09-1044-WW-AIR (June 21, 2010).*

10. *In the Matter of the Application of The Ohio American Water Company to Increase its Rates for Water Service and Sewer Service*, Case No. 11-4161-WS-AIR (March 1, 2012).
11. *In the Matter of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan*, Case No. 11-346-EL-SSO, et al (May 4, 2012).
12. *In the Matter of the Application of The Dayton Power and Light Company for Approval of its Market Rate Offer*, Case No. 12-426-EL-SSO (June 13, 2012).
13. *In the Matter of the Application of Ohio Power Company to Establish Initial Storm Damage Recovery Rider Rates*, Case No. 12-3255-EL-RDR (December 27, 2013).
14. *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan*, Case No. 13-2385-EL-SSO (May 6, 2014).
15. *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service*, Case 14-841-EL-SSO (May 29, 2014).
16. *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO (December 22, 2014).
17. *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2013 Grid Modernization Costs*, Case No. 14-1051-EL-RDR (December 31, 2014) and (February 6, 2015).
18. *In the Matter of the Application Not for an Increase in Rates Pursuant to Section 4901:18, Revised Code, of Ohio Power Company to Establish Meter Opt Out Tariff*, Case No. 14-1158-EL-ATA (April 24, 2015).
19. *In the Matter of the Application of Duke Energy of Ohio, Inc., for Approval of a Grid Modernization Opt-out Tariff and for a Change in Accounting Procedures Including a Cost Recovery Mechanism.*, Case 14-1160-EL-UNC and 14-1161-EL-AAM (September 18, 2015).

20. *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of an Alternative Rate Plan Pursuant to Section 4929.05, Revised Code, for an Accelerated Service Line Replacement Programs*, Case No. 14-1622-GA-ALT (November 6, 2015).
21. *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust Rider DR-IM and Rider AU for 2014 Grid Modernization Costs*, Case No. 15-883-EL-RDR (December 9, 2015).
22. *In the Matter of the Complaint of Jeffrey Pitzer v. Duke Energy Ohio, Inc.*, Case No. 15-298-GE-CSS (December 30, 2015).

Account Number 0120-0420-20-5

10 02

For less detailed billing information on  
your monthly bill, check box on right

☐

Due Date	Amount Due
Aug 26, 2011	\$ 143.49

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard St  
Cincinnati OH 45241-1915

PO Box 1326  
Charlotte NC 28201-1326

400 00000143499 01200420205 082620117 00000145645

Page 1 of 2

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mailing Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Aug 04 not included Last payment received Aug 01 Bill prepared on Aug 04, 2011 Next meter reading Sep 01, 2011

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Jul 05	Aug 03	29	1259	1267	8
Elec	106188883	Jul 05	Aug 03	29	1844	2650	806

Gas - Residential	
Usage -	8 CCF
Duke Energy - Rate RS	\$ 38.03
Current Gas Charges	\$ 38.03
Gas Cost Recovery \$0.56997230/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 178.21
Payment(s) Received	178.21 cr
Balance Forward	0.00
Current Gas Charges	38.03
Current Electric Charges	105.46
Current Amount Due	\$ 143.49

Electric - Residential	
Usage -	806 kWh
Duke Energy - Rate RS	\$ 105.46
Current Electric Charges	\$ 105.46

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5699723 per CCF, which includes a base GCR of \$0.5434000 and Ohio excise tax of \$0.0265723.

Order your FREE compact fluorescent light bulbs today! Call 1-800-943-7585 and choose option 1, or visit [www.duke-energy.com/freecfls1](http://www.duke-energy.com/freecfls1) to see if you are eligible.

PRICE TO COMPARE: In order for an average residential customer to save money, an electric supplier must offer a price lower than 8.87 cents per kWh. Your Price to Compare may be different based on your usage. Visit [www.duke-energy.com](http://www.duke-energy.com) to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Due Date	Amount Due	After
Aug 26, 2011	\$ 143.49	Aug 26, 2011 \$ 145.64

REMINDER NOTICE

Account Number 0120-0420-20-5 10 02

For less detailed billing information on  
your monthly bill, check box on right ☐

Due Date	Amount Due
Sep 27, 2011	\$ 248.82

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard St  
Cincinnati OH 45241-1915

PO Box 1326  
Charlotte NC 28201-1326

400 00000248827 01200420205 092720110 00000252557

REMINDER NOTICE

Page 1 of 2

Name/Service Address	For inquiries call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payments to	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Sep 02 not included Bill prepared on Sep 02, 2011 Next meter reading Oct 03, 2011

REMINDER - Did you overlook paying last month's bill? Unless you paid your bill recently, please give this your prompt attention.

Meter Number	Reading Date From To	Days	Meter Reading Previous	Present	Gage
Gas 000999214	Aug 03 Sep 01	29	1267	1273	6
Elec 106188883	Aug 03 Sep 01	29	2650	3136	486

Gas - Residential	
Usage -	6 CCF
Duke Energy - Rate RS	\$ 36.85
Current Gas Charges	\$ 36.85
Gas Cost Recovery \$0.59692900/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 143.49
Late Payment Charge(s)	2.15
Balance Forward	745.64
Current Gas Charges	36.85
Current Electric Charges	66.33
Current Amount Due	\$ 248.82

Electric - Residential	
Usage -	486 kWh
Duke Energy - Rate RS	\$ 66.33
Current Electric Charges	\$ 66.33

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5969290 per CCF, which includes a base GCR of \$0.5691000 and Ohio excise tax of \$0.027829.

REMINDER NOTICE

Due Date	Amount Due	After
Sep 27, 2011	\$ 248.82	Sep 27, 2011 \$ 252.55

DISCONNECT NOTICE

Account Number 0120-0420-20-5 10 02

For less detailed billing information on  
your monthly bill, check box on right

☐

Due Date	Amount Due
Oct 26, 2011	\$ 373.06

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard  
Cincinnati OH 45241

PO Box 1327  
Charlotte NC 28201-1327

410 00000373060 01200420205 102620119 00000378666

DISCONNECT NOTICE

Page 1 of 3

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-651-5100	0120-0420-20-5

Mail Payments to	Account Information
PO Box 1327 Charlotte NC 28201-1327	Payments after Oct 04 not included Bill prepared on Oct 04, 2011 Next meter reading Nov 01, 2011

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$200.00 before service is restored.

**IMPORTANT:** Your service may be disconnected if your past due amount of \$248.82 is not paid before 10/28/2011. A reconnection charge will be required. In addition, a service deposit may be required; if so, payment arrangements may be available. For questions, please call the number shown above.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Sep 01	Oct 03	32	1273	1340	67
Elec	106188883	Sep 01	Oct 03	32	3136	3418	282

Gas - Residential	
Usage -	67 CCF
Duke Energy - Rate RS	\$ 78.77
Current Gas Charges	\$ 78.77
Gas Cost Recovery \$0.58664980/CCF	

Electric - Residential	
Usage -	282 kWh
Duke Energy - Rate RS	\$ 41.74
Current Electric Charges	\$ 41.74

Current Billing	
Amt Due - Previous Bill	\$ 248.82
Late Payment Charge(s)	3.73
Balance Forward	252.55
Current Gas Charges	78.77
Current Electric Charges	41.74
Current Amount Due	\$ 373.06

DISCONNECT NOTICE

Due Date	Amount Due	After
Oct 26, 2011	\$ 373.06	Oct 26, 2011
		\$ 378.66



DISCONNECT NOTICE

Account Number 0120-0420-20-5

10 02

For less detailed billing information on  
your monthly bill, check box on right

☐

Due Date	Amount Due
Nov 28, 2011	\$ 381.25

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard St  
Cincinnati OH 45241-1915

PO Box 1326  
Charlotte NC 28201-1326

410 00000381250 01200420205 112820116 00000386979

DISCONNECT NOTICE

Page 1 of 3

Name / Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-651-5100	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Nov 02 not included Last payment received Oct 11 Bill prepared on Nov 02, 2011 Next meter reading Dec 02, 2011

**IMPORTANT:** If your service has not yet been disconnected, please pay \$229.57 immediately to avoid disconnection.

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$205.00 before service is restored.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Oct 03	Nov 01	29	1340	1465	125
Elec	106188883	Oct 03	Nov 01	29	3418	3643	225

Gas - Residential	
Usage -	125 CCF
Duke Energy - Rate RS	\$ 113.42
Current Gas Charges	\$ 113.42
Gas Cost Recovery \$0.54458890/CCF	

Electric - Residential	
Usage -	225 kWh
Duke Energy - Rate RS	\$ 34.82
Current Electric Charges	\$ 34.82

Current Billing	
Amt Due - Previous Bill	\$ 373.06
Payment(s) Received	143.49cr
Late Payment Charge(s)	3.44
Balance Forward	233.01
Current Gas Charges	113.42
Current Electric Charges	34.82
Current Amount Due	\$ 381.25

DISCONNECT NOTICE

Due Date	Amount Due	After
Nov 28, 2011	\$ 381.25	Nov 28, 2011
		\$ 386.97

**Duke Energy Ohio**  
**Case No. 15-298-GE-CSS**  
**OCC First Set of Interrogatories**  
**Date Received: June 22, 2015**

**OCC-INT-01-038**

**REQUEST:**

When did Duke actually receive the \$143.49 payment that is listed as receiving in the current billing section of the November 2 bill?

**RESPONSE:**

October 12, 2011.

**PERSON RESPONSIBLE:** Mitch Carmosino

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Report of        )  
Service Disconnections for Nonpayment,        ) Case No. 12-1449-GE-UNC  
as Required by Section 4933.123, Revised        )  
Code.   )

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**REPORT OF SERVICE DISCONNECTIONS FOR  
NONPAYMENT OF DUKE ENERGY OHIO**

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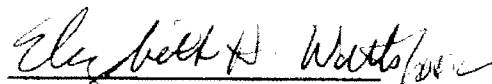
Pursuant to the Public Utilities Commission of Ohio's Entry in this docket, dated May 30, 2012, Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby submits the attached Report of Service Disconnections for Nonpayment. As required by R.C. 4933.123(B), the attached report contains the following information by month, for the 12-month period ending on May 31, 2011:

- a. Total number of service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such disconnections;
- b. Total number of final notices of actual disconnection issued for service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such notices;
- c. Total number of residential customer accounts in arrears by more than sixty days and the total dollar amount of such arrearages;
- d. Total number of security deposits received from residential customers and the total dollar amount of such deposits;
- e. Total number of service reconnections; and

f. Total number of residential customers.

In its Entry, the Commission indicated that energy companies providing both electric and natural gas services should provide separate reports for those different services. Duke Energy Ohio cannot report this information in separate format. The data available for filing in this report cannot currently be split apart into separate reports for electric and natural gas accounts with the exception of the number of residential accounts. However, Duke Energy Ohio has requested its information technology department to prepare a methodology by which such separate reports can be prepared. Therefore, the Company anticipates that it will be able to separate the data in the 2013 filing with the possible exception of the security deposit information, at least as of the date when the new capability is in place.

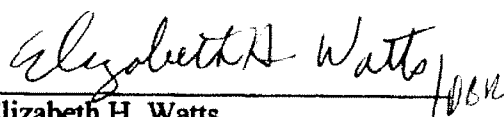
Respectfully submitted,  
DUKE ENERGY OHIO, INC.



Amy B. Spiller (0047277)  
State Regulatory General Counsel  
Elizabeth H. Watts (0031092)  
Associate General Counsel  
139 E. Fourth Street ML-1313 Main  
P.O. Box 960  
Cincinnati, Ohio 45201  
Telephone: 513-287-4359  
Facsimile: 513-287-4386  
[amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com)  
[elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Report of Service Disconnections for Nonpayment of Duke Energy Ohio and Request for Waiver* was served on the office of the Ohio Consumers' Counsel, 10 West Broad Street, Suite 1800, Columbus, Ohio, this 24<sup>th</sup> day of July, 2012.

  
Elizabeth H. Watts

**The Public Utilities Commission Of Ohio Case No. 12-1449-GE-UNC - June 2012**  
**Company: Duke Energy**

**a. Total number of service disconnections for non payment and the total dollar amount of unpaid bills represented by such disconnections.**

Month	# DNP's	Associated \$
Jun-11	6264	\$2,332,686
Jul-11	6144	\$2,128,766
Aug-11	6828	\$2,296,855
Sep-11	7477	\$2,708,678
Oct-11	7577	\$2,870,357
Nov-11	4979	\$1,705,307
Dec-11	2705	\$879,613
Jan-12	4662	\$1,775,784
Feb-12	4911	\$1,946,538
Mar-12	5440	\$2,175,756
Apr-12	5074	\$1,770,864
May-12	7783	\$2,482,797

**b. Total number of final notices of actual disconnection issued for service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such notices.**

Month	# Final Notices	Associated \$
Jun-11	0	\$0
Jul-11	0	\$0
Aug-11	0	\$0
Sep-11	44,268	\$15,979,754
Oct-11	64,999	\$19,951,324
Nov-11	51,733	\$12,287,929
Dec-11	46,212	\$11,196,697
Jan-12	51,597	\$13,228,092
Feb-12	56,493	\$15,272,188
Mar-12	58,888	\$15,637,817
Apr-12	24,645	\$6,240,516
May-12	0	\$0

c. Total number of residential customer accounts in arrears by more than 60 days and the total dollar amount of such arrearages

Month	# Accounts	Associated \$
Jun-11	N/A	\$21,369,647
Jul-11	N/A	\$20,052,451
Aug-11	N/A	\$17,972,149
Sep-11	N/A	\$16,592,681
Oct-11	N/A	\$17,675,538
Nov-11	N/A	\$20,119,989
Dec-11	N/A	\$21,192,921
Jan-12	N/A	\$19,073,503
Feb-12	N/A	\$18,927,801
Mar-12	N/A	\$16,126,665
Apr-12	N/A	\$16,495,871
May-12	N/A	\$16,115,103

d. Total number of security deposits received from residential customers and the total dollar amount of such deposits.

Month	# Accounts	Associated \$
Jun-11	7,255	\$938,683
Jul-11	6,442	\$856,531
Aug-11	6,492	\$811,580
Sep-11	7,461	\$938,279
Oct-11	6,826	\$834,728
Nov-11	5,657	\$690,748
Dec-11	4,979	\$602,825
Jan-12	4,007	\$481,656
Feb-12	3,884	\$452,484
Mar-12	4,853	\$557,572
Apr-12	4,812	\$555,657
May-12	4,853	\$540,038

**e. Total number of service reconnections**

Month	# Accounts
Jun-11	6428
Jul-11	5180
Aug-11	6294
Sep-11	5685
Oct-11	6778
Nov-11	6258
Dec-11	2774
Jan-12	4146
Feb-12	4372
Mar-12	4437
Apr-12	4141
May-12	6690

**f. Total number of residential customers**

Month	# Accounts Electric	# Accounts Gas
Jun-11	610,020	379,300
Jul-11	606,085	375,992
Aug-11	609,789	376,809
Sep-11	607,622	375,998
Oct-11	610,806	378,116
Nov-11	610,447	380,467
Dec-11	613,874	382,264
Jan-12	613,849	383,527
Feb-12	615,407	383,437
Mar-12	615,366	383,266
Apr-12	612,842	382,313
May-12	613,323	380,889



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/24/2012 3:16:42 PM**

**in**

**Case No(s). 12-1449-GE-UNC**

Summary: Annual Report of Service Disconnections for Nonpayment of Duke Energy Ohio  
electronically filed by Dianne Kuhnell on behalf of Spiller, Amy B. and Watts, Elizabeth H. and  
Duke Energy Ohio, Inc.

**Duke Energy Ohio**  
**Case No. 15-298-GE-CSS**  
**OCC First Set Production of Documents**  
**Date Received: June 22, 2015**

**OCC-POD-01-009**

**REQUEST:**

Referring to the response to INT-1-047, provide copies all records related to the communications of any kind with Easterling III, Dorothy Easterling, and/or Estill Easterling IV regarding the unpaid natural gas and electric bills.

**RESPONSE:**

Objection. This Document Request is predicated upon the false premise that Duke Energy Ohio was capable of communicating with a deceased individual. It further implies an obligation on the part of Duke Energy Ohio that does not exist. Moreover, this Interrogatory seeks to elicit information that is contained in public documents and thus equally accessible to the OCC. Furthermore, this Document Request is vague and ambiguous as Duke Energy Ohio is not aware of an Estill Easterling IV in regards to service at the Orchard Street address. Without waiving said objection, to the extent discoverable and in the spirit of discovery, Duke Energy Ohio provided notices and payment options related thereto in or in connection with utility bills prepared on September 2 and October 4, 2011, and in notices of October 19, 2011, and November 4, 2011. See ATTACHMENT OCC-POD-01-006. Also, see ATTACHMENT OCC-POD-01-009.

**PERSON RESPONSIBLE:** As to objection: Legal  
As to response: Mitch Carmosino



**ENERGY ASSISTANCE:**

**United Way Referral Service**  
Call 211

**HeatShare** - Administrated by  
The Salvation Army  
513-762-5636

**Emergency Home Energy Assistance Program**  
**(EHEAP)**  
Contact local Community Action Agency

**Home Energy Assistance Program (HEAP)**  
Contact local Community Action Agency or  
The Ohio Department of Development at  
1-800-282-0880

**Duke Energy Ohio**  
**Case No. 15-298-GE-CSS**  
**PITZER First Set Production of Documents**  
**Date Received: May 4, 2015**

**PITZER-POD-01-006**

**REQUEST:**

Produce any and all utility bills and/or notices that were mailed and/or left at the Residence between August 2011 and December 2011.

**RESPONSE:**

Objection. This Document Request is not reasonably calculated to lead to the discovery of relevant or admissible evidence given the inclusion of time periods that are immaterial to the allegations in the complaint. Without waiving said objection, to the extent discoverable, and in the spirit of discovery, see ATTACHMENT PITZER-POD-01-004.

**PERSON RESPONSIBLE:**        Legal

## REMINDER NOTICE

Account Number 0120-0420-20-5 10 02

For less detailed billing information on  
your monthly bill, check box on right ☐

Due Date	Amount Due
Sep 27, 2011	\$ 248.82

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard St  
Cincinnati OH 45241-1915

PO Box 1326  
Charlotte NC 28201-1326

400 00000248827 01200420205 092720110 00000252557

## REMINDER NOTICE

Page 1 of 2

Name / Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-421-9500	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Sep 02 not included Bill prepared on Sep 02, 2011 Next meter reading Oct 03, 2011

REMINDER - Did you overlook paying last month's bill? Unless you paid your bill recently, please give this your prompt attention.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Aug 03	Sep 01	29	1267	1273	6
Elec	106188883	Aug 03	Sep 01	29	2650	3136	486

Gas - Residential	
Usage -	6 CCF
Duke Energy - Rate RS	\$ 36.85
Current Gas Charges	\$ 36.85
Gas Cost Recovery \$0.59692900/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 143.49
Late Payment Charge(s)	2.15
Balance Forward	145.64
Current Gas Charges	36.85
Current Electric Charges	66.33
Current Amount Due	\$ 248.82

Electric - Residential	
Usage -	486 kWh
Duke Energy - Rate RS	\$ 66.33
Current Electric Charges	\$ 66.33

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5969290 per CCF, which includes a base GCR of \$0.5691000 and Ohio excise tax of \$0.027829.

## REMINDER NOTICE

Due Date	Amount Due	After Sep 27, 2011
Sep 27, 2011	\$ 248.82	\$ 252.55

## REMINDER NOTICE

Page 2 of 2

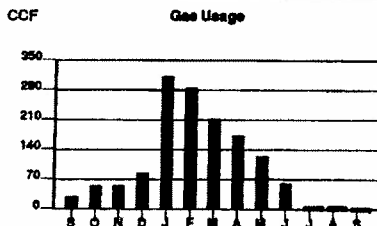
Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

**OUR TRAINS ARE CHANGING STATIONS:** The Duke Energy Holiday Trains are scheduled for an early arrival this November 5th through December 24th at the Cincinnati History Museum. Look for more details and information on FREE admission - in your October Duke Energy bill.

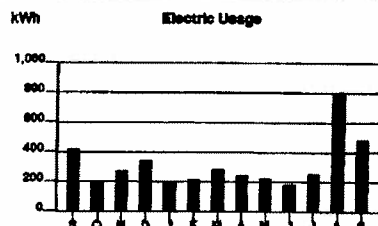
Order your FREE compact fluorescent light bulbs today! Call 1-800-943-7585 and choose option 1, or visit [www.duke-energy.com/freecfbs1](http://www.duke-energy.com/freecfbs1) to see if you are eligible.

**PRICE TO COMPARE:** In order for an average residential customer to save money, an electric supplier must offer a price lower than 8.87 cents per kWh. Your Price to Compare may be different based on your usage. Visit [www.duke-energy.com](http://www.duke-energy.com) to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Explanation of Current Charges		
<b>Gas</b>		
Meter - 000999214	Duke Energy	
CCF Usage - 6	Rate RS - Residential Service	
Aug 03 - Sep 01	Fixed Delivery Service Charge	\$ 25.33
29 Days	Usage-Based Charge	
	6 CCF @ \$ 0.03272800	0.20
	Gas Delivery Riders	7.74
	Gas Cost Recovery	
	6 CCF @ \$ 0.59692900	3.58
		\$ 36.85
	<b>Total Current Gas Charge</b>	<b>\$ 36.85</b>
<b>Electric</b>		
Meter - 106188883	Duke Energy	
kWh Usage - 486	Rate RS - Residential Svc-Summer	
Aug 03 - Sep 01	Distribution-Customer Chg	\$ 5.50
29 Days	Delivery Charges	
	Distribution-Energy Chg	
	486 kWh @ \$ 0.02212600	10.75
	Delivery Riders	6.57
	Total Delivery Charges	\$ 17.32
	Generation Charges	
	Generation Energy Chg	
	486 kWh @ \$ 0.04234500	20.58
	Rider FPP	15.57
	Rider AAC	4.34
	Rider TCR	3.02
	Total Generation Charges	\$ 43.51
		66.33
	<b>Total Current Electric Charge</b>	<b>\$ 66.33</b>



Calculations based on most recent 12 month history  
Total Usage 1,382  
Average Usage 115



Calculations based on most recent 12 month history  
Total Usage 3,725  
Average Usage 310

	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Gas	31	54	55	66	314	284	211	173	123	61	7	6	6
Electric	420	203	278	345	184	213	282	247	234	188	256	806	486

## DISCONNECT NOTICE

Account Number 0120-0420-20-5 10 02

For less detailed billing information on  
your monthly bill, check box on right ☐

Due Date	Amount Due
Oct 26, 2011	\$ 373.06

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard  
Cincinnati OH 45241

PO Box 1327  
Charlotte NC 28201-1327

410 00000373060 01200420205 102620119 00000378666

## DISCONNECT NOTICE

Page 1 of 3

Name/Service Address	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 613-651-5100	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1327 Charlotte NC 28201-1327	Payments after Oct 04 not included Bill prepared on Oct 04, 2011 Next meter reading Nov 01, 2011

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$200.00 before service is restored.

**IMPORTANT:** Your service may be disconnected if your past due amount of \$248.82 is not paid before 10/28/2011. A reconnection charge will be required. In addition, a service deposit may be required; if so, payment arrangements may be available. For questions, please call the number shown above.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading From	Reading To	Days	Meter Reading Previous	Meter Reading Present	Usage
Gas	000999214	Sep 01	Oct 03	32	1273	1340	67
Elec	106188883	Sep 01	Oct 03	32	3136	3418	282

Gas - Residential	
Usage -	67 CCF
Duke Energy - Rate RS	\$ 78.77
Current Gas Charges	\$ 78.77
Gas Cost Recovery \$0.58664980/CCF	

Electric - Residential	
Usage -	282 kWh
Duke Energy - Rate RS	\$ 41.74
Current Electric Charges	\$ 41.74

Current Billing	
Amt Due - Previous Bill	\$ 248.82
Late Payment Charge(s)	3.73
Balance Forward	252.55
Current Gas Charges	78.77
Current Electric Charges	41.74
Current Amount Due	\$ 373.06

## DISCONNECT NOTICE

Due Date	Amount Due	After Oct 26, 2011
Oct 26, 2011	\$ 373.06	\$ 378.66



**DISCONNECT NOTICE**

Page 2 of 3

Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5866498 per CCF, which includes a base GCR of \$0.5593 and Ohio excise tax of \$0.0273498.

In Case No. 11-4329-EL-RDR, the PUCO approved an adjustment to Rider TCR, Transmission Cost Recovery Rider. The PUCO also approved adjustments to Riders SRT and FPP. A typical residential customer using 1,000 kWh per month will see an increase of approximately \$1.8 or 1.0%.

Order your FREE compact fluorescent light bulbs today! Call 1-800-943-7585 and choose option 1, or visit [www.duke-energy.com/freecfls1](http://www.duke-energy.com/freecfls1) to see if you are eligible.

**PRICE TO COMPARE:** In order for an average residential customer to save money, an electric supplier must offer a price lower than 9.00 cents per kWh. Your Price to Compare may be different based on your usage. Visit [www.duke-energy.com](http://www.duke-energy.com) to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Summary of Current Charges		
Gas Meter - 000999214	Duke Energy Rate RS - Residential Service	
CCF Usage - 67	Fixed Delivery Service Charge	\$ 25.33
Sep 01 - Oct 03 32 Days	Usage-Based Charge 67 CCF @ \$ 0.03272800	2.19
	Gas Delivery Riders	11.94
	Gas Cost Recovery 67 CCF @ \$ 0.58664980	39.31
		<b>\$ 78.77</b>
		<b>\$ 78.77</b>
Electric Meter - 106188883	Duke Energy Rate RS - Residential Svc-Winter	
kWh Usage - 282	Distribution-Customer Chg	\$ 5.50
Sep 01 - Oct 03 32 Days	Delivery Charges	
	Distribution-Energy Chg 282 kWh @ \$ 0.02212600	6.24
	Delivery Riders	4.41
	Total Delivery Charges	<b>\$ 10.65</b>
	Generation Charges	
	Generation Energy Chg 282 kWh @ \$ 0.04234500	11.94
	Rider FPP	9.34
	Rider AAC	2.52
	Rider TCR	1.79
	Total Generation Charges	<b>\$ 25.59</b>
		<b>41.74</b>
		<b>\$ 41.74</b>

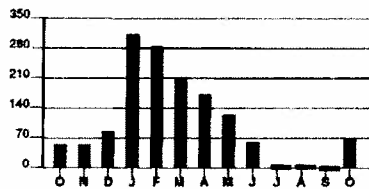
## DISCONNECT NOTICE

Page 3 of 3

Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

CCF

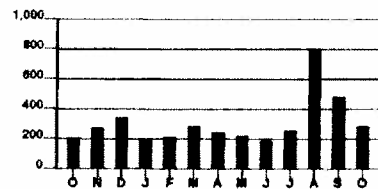
Gas Usage



Calculations based on most recent 12 month history  
 Total Usage 1,395  
 Average Usage 116

kWh

Electric Usage



Calculations based on most recent 12 month history  
 Total Usage 3,804  
 Average Usage 317

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
Gas	54	55	88	314	284	211	175	125	81	7	8	8	87
Electric	202	278	342	194	213	282	247	224	188	258	808	488	282

## DISCONNECT NOTICE

Account Number 0120-0420-20-5

10 02

For less detailed billing information on  
your monthly bill, check box on right ☐

Due Date	Amount Due
Nov 28, 2011	\$ 381.25

\$ \_\_\_\_\_ \$ \_\_\_\_\_  
HeatShare Contribution Amount Enclosed  
(for Customer Assistance)

Estill Easterling  
11312 Orchard St  
Cincinnati OH 45241-1915

PO Box 1326  
Charlotte NC 28201-1326

410 00000381250 01200420205 112820116 00000386979

## DISCONNECT NOTICE

Page 1 of 3

Name (Service Address)	For Inquiries Call	Account Number
Estill Easterling 11312 Orchard Cincinnati OH 45241	Duke Energy 513-651-5100	0120-0420-20-5

Mail Payments To	Account Information
PO Box 1326 Charlotte NC 28201-1326	Payments after Nov 02 not included Last payment received Oct 11 Bill prepared on Nov 02, 2011 Next meter reading Dec 02, 2011

**IMPORTANT:** If your service has not yet been disconnected, please pay \$229.57 immediately to avoid disconnection.

If your service is disconnected for non payment, in addition to a reconnection charge, you will be required to pay a deposit in the amount of \$205.00 before service is restored.

You also have the option to retain or have reconnected one of your services, either gas or electric. Please contact us at the number shown above to discuss this option.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Gas	000999214	Oct 03	Nov 01	29	1340	1465	125
Elec	106188883	Oct 03	Nov 01	29	3418	3643	225

Gas - Residential	
Usage -	125 CCF
Duke Energy - Rate RS	\$ 113.42
<b>Current Gas Charges</b>	<b>\$ 113.42</b>
Gas Cost Recovery \$0.54458890/CCF	

Electric - Residential	
Usage -	225 kWh
Duke Energy - Rate RS	\$ 34.82
<b>Current Electric Charges</b>	<b>\$ 34.82</b>

Current Billing	
Amt Due - Previous Bill	\$ 373.06
Payment(s) Received	143.49cr
Late Payment Charge(s)	3.44
<b>Balance Forward</b>	<b>233.01</b>
Current Gas Charges	113.42
Current Electric Charges	34.82
<b>Current Amount Due</b>	<b>\$ 381.25</b>

## DISCONNECT NOTICE

Due Date	Amount Due	After Nov 28, 2011
Nov 28, 2011	\$ 381.25	\$ 386.97

## DISCONNECT NOTICE

Page 2 of 3

Name	Service Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5445889 per CCF, which includes a base GCR of \$0.5192 and Ohio excise tax of \$0.0253889.

In Case No. 1-4076-EL-UEx, the PUCO approved an adjustment to Rider UE-ED, Electric Distribution Uncollectible Expense Rider. A typical residential customer using 1,000 kWh per month will see an increase of approximately \$0.41 or 0.3%.

FREE CFLs for your house, delivered right to your door. They're an easy way to save energy and money. And best of all - they're FREE! Call 1-800-943-7585 (choose option 1) or visit [duke-energy.com/CFLbulb](http://duke-energy.com/CFLbulb) to see if you are eligible.

PRICE TO COMPARE: In order for an average residential customer to save money, an electric supplier must offer a price lower than 9.00 cents per kWh. Your Price to Compare may be different based on your usage. Visit [www.duke-energy.com](http://www.duke-energy.com) to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Explanation of Current Charges		
Gas Meter - 000999214	Duke Energy Rate RS - Residential Service	
CCF Usage - 125	Fixed Delivery Service Charge \$ 25.33	
Oct 03 - Nov 01 29 Days	Usage-Based Charge 125 CCF @ \$ 0.03272800 4.09	
	Gas Delivery Riders 15.93	
	Gas Cost Recovery 125 CCF @ \$ 0.54458890 68.07	\$ 113.42
	<b>Total Current Gas Charges</b>	<b>\$ 113.42</b>
Electric Meter - 106188883	Duke Energy Rate RS - Residential Svc-Winter	
kWh Usage - 225	Distribution-Customer Chg \$ 5.50	
Oct 03 - Nov 01 29 Days	Delivery Charges	
	Distribution-Energy Chg 225 kWh @ \$ 0.02212600 4.98	
	Delivery Riders 3.91	
	<b>Total Delivery Charges \$ 8.89</b>	
	Generation Charges	
	Generation Energy Chg 225 kWh @ \$ 0.04234500 9.53	
	Rider FPP 7.46	
	Rider AAC 2.01	
	Rider TCR 1.43	
	<b>Total Generation Charges \$ 20.43</b>	34.82
	<b>Total Current Electric Charges</b>	<b>\$ 34.82</b>

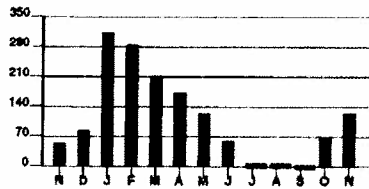
## DISCONNECT NOTICE

Page 3 of 3

Name	Serviced Address	Account Number
Estill Easterling	11312 Orchard Cincinnati OH 45241	0120-0420-20-5

CCF

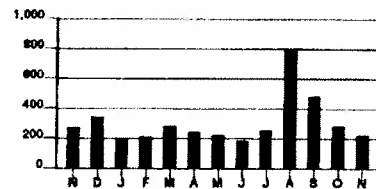
Gas Usage



Calculations based on most recent 12 month history  
 Total Usage 1,465  
 Average Usage 122

kWh

Electric Usage



Calculations based on most recent 12 month history  
 Total Usage 3,751  
 Average Usage 313

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Gas	55	88	314	294	211	173	123	81	7	8	8	87	125
Electric	278	343	194	213	262	247	224	188	258	806	486	282	225

## NATURAL GAS SAFETY IN YOUR HOME

### Safety tips

- Have professional annual inspections and cleanings of heating systems, vents, flues and chimneys.
- Conduct your own visual inspections. Look for improper connections, rust, stains or water build-up.
- Never leave a car running in a garage.
- Never use gas or charcoal grills in an enclosed area.
- Install carbon monoxide alarms on every level of your home, especially near bedrooms.
- If you suspect carbon monoxide, get fresh air and call 911.

### Sewer Lateral Safety

For the safety of all persons, it is strongly recommended that the following precautions be taken before any work is performed on a sewer lateral:

- Comply with applicable requirements of your state's One Call system.
- Look for a Sewer Lateral Tag on the sewer clean out or under the kitchen drain pipe, or ask if one was delivered to the property.
- Use an in-line camera to identify the condition of the sewer lateral.
- Contact Duke Energy at 513-421-9500 or 800-634-4300 for assistance in locating natural gas service lines.
- Determine whether the natural gas service line to the property has been recently installed or upgraded or recent excavation in the area.

During the process of cleaning out a sewer lateral, be alert to any unusual conditions which may include:

- hissing sounds
- blowing dirt

- natural gas odor
- bubbling water

If you suspect a natural gas leak in your home or building,

- For your safety, we recommend that you and anyone else in the home or building leave the premises immediately.
- From a neighbor's home or other safe location, call Duke Energy at 513-651-4466 or 1-800-634-4300.
- Do not start any vehicle if it is in an attached garage.
- Do not operate an automatic garage door.
- Do not use matches, open flames, lighters or cigarettes in the home or building.
- Do not turn on or off electrical switches or appliances.
- Do not use phones (including cellular phones) in the home or building.
- Do not re-enter the home or building until cleared to do so by a Duke Energy representative.
- Watch for the Duke Energy vehicle to arrive and meet the representative at or near the truck.

### Remember

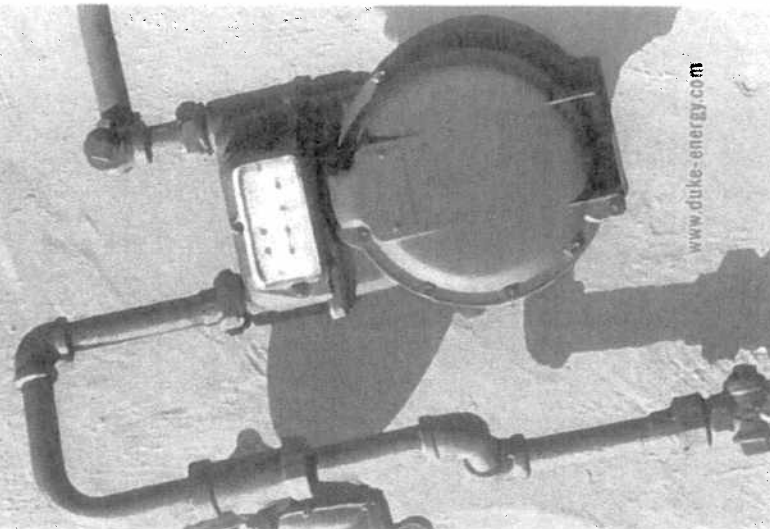
This is very important information. Please translate/share this information with other members of your family.



08/11A



## NATURAL GAS SAFETY IN YOUR HOME



www.duke-energy.com

## NATURAL GAS APPLIANCE SAFETY

Routine maintenance will ensure that your natural gas appliances are safe and efficient. Consider having your furnace, water heater and other natural gas appliances inspected annually by a qualified technician, such as a professional plumber; heating, ventilation, air conditioning (HVAC) professional; or appliance repair contractor.

In addition, here are some steps you can take on your own, as well as safety tips to use in case there's a problem with an appliance.

*What color is your flame?*

On a natural gas appliance, the color of the flame is a good indicator of incomplete combustion. The flame should always burn blue, not orange or yellow. If the flame is not blue, it may be a sign that the appliance needs adjusting or cleaning. Appliances should always be checked and adjusted by a qualified technician.

Natural gas fireplace logs are an exception to the blue flame rule. Most of these products are designed to be operated with a yellow or orange flame in order to achieve a more realistic appearance. Any time they are used, be sure to open the damper in the fireplace, unless the logs do not require an open damper, such as the case with ventless fireplaces.

*Natural gas ranges and stoves*

Never use natural gas ranges or stoves for heating. Using them as a source of heat can cause dangerous levels of carbon monoxide (CO) to build up in your home or building.

Call Duke Energy at 513-651-4466 or 1-800-634-4300 if you notice a pilot flame suddenly burning much higher than normal or if the flame does not always burn blue.

*Natural gas water heaters*

Set your natural gas water heater temperature to 120°F (flow or warm) to help prevent accidental burns. Water heaters set at 140°F or higher pose a potential danger, especially to children and the elderly. It takes just five seconds to receive a third-degree burn from 140°F water. Refer to the owner's manual before setting the temperature on the water heater.

*Natural gas dryers*

Keep the lint trap on your gas dryer clean and clear. Check your clothes dryer's exhaust duct, vent and hood cover (outside the house) periodically, removing any lint or obstruction.

*Keep flammables away from appliances*

Never use or store flammable products such as gasoline, solvents or adhesives near a water heater or any other natural gas or electric appliance. In the right conditions, flammable vapors can travel undetected along the floor, aided by air vents. Keep all flammable products in tightly closed, approved containers, stored far away from all appliances and out of the reach of children. When you use flammable liquids, do so in an open, well-ventilated area, far away from any possible source of ignition.

*Flexible natural gas connectors*

Flexible natural gas connectors are corrugated metal tubes used to attach gas appliances to a home or building's natural gas supply pipes. Some older, uncoated brass flexible gas connectors are still in use, and can corrode or break and cause a serious gas leak, fire or explosion.

If you have a natural gas appliance that is more than 25 years old, it is a good idea to have the gas connectors replaced.

**WARNING:** Moving an appliance to check the gas connector may cause the connector to break, resulting in a gas leak, fire or explosion. DO NOT attempt to check the connectors yourself. Instead, have a qualified technician inspect your appliances and, if necessary, replace the connectors for you.

*Carbon monoxide safety*

When natural gas is burned it produces carbon dioxide and water vapor. Both products are usually harmless. But, the potential for toxic carbon monoxide occurs

when natural gas is burned incompletely. This is why it is important to have natural gas appliances routinely inspected and serviced to ensure proper operation.

Another factor that may affect the safe operation of vents and flues is the availability of make-up air – fresh air that is used in the combustion process. You cannot expect flue products to go “up and out the chimney” if you do not allow air to enter the appliance. This principle applies to any vented device (e.g., fireplaces and exhaust fans). Without adequate ventilation, complete combustion will not occur. Instead of carbon dioxide being produced, carbon monoxide will be generated – a potentially deadly situation.

*Symptoms of carbon monoxide poisoning*

- Flu-like symptoms: nausea, dizziness, drowsiness, vomiting, confusion, fatigue.
- In many cases, victims are aware they are not well, but become too disoriented to save themselves.
- Particularly vulnerable are pregnant women, small children, senior citizens and people with heart or respiratory problems.



## CUSTOMER LIST

# Electric Customer Choice Program

Learn about  
customer information  
to be shared with  
electric suppliers.



### Next opt-off date is October 13, 2011

Four times a year, Duke Energy updates a list of customers eligible to accept solicitation from other retail electric suppliers. All suppliers with access to the list are certified by the Public Utilities Commission of Ohio.

**If you wish to have your name, address and usage information excluded from this list, we must be notified by October 13, 2011.**

You may notify Duke Energy

- online at [www.duke-energy.com](http://www.duke-energy.com)
- by mail at Duke Energy, P.O. Box 960,  
Mail Drop 309C, Cincinnati, OH 45201
- by phone at 513-421-9500 or 800-544-6900

If you have requested to be excluded in the past, it is not necessary to contact us again. To be reinstated as an eligible customer, please contact us using one of the options above.

For more information about electric choice, visit [www.duke-energy.com](http://www.duke-energy.com)

*Regardless from whom you choose to purchase electricity, Duke Energy will remain your local electric company. We will continue to read your meter and respond to all service concerns or emergencies.*



08/11B

## For more information

With in-depth analysis, the environmental characteristics of any form of electric generation will reveal benefits as well as costs. For more information, visit [www.duke-energy.com](http://www.duke-energy.com) and select the Environment & Sustainability tab at the top of the page or contact us at 1-800-544-6900.

You may also visit the Public Utilities Commission of Ohio at [www.puco.ohio.gov](http://www.puco.ohio.gov) or call 1-800-686-PUCC with additional questions.



09/11A

## Environmental Disclosure

### 2011 Projection / January - June Actuals

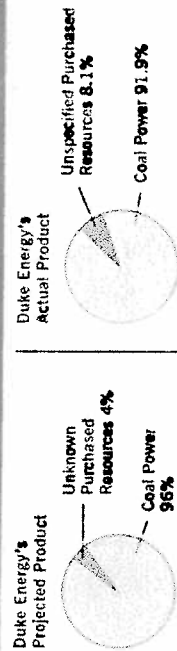
Duke Energy and other Ohio electric utilities are required by the Public Utilities Commission of Ohio to provide environmental information on the mix of fuels used to produce electricity and the environmental characteristics resulting from this production. This disclosure compares projected fuel mix percentages and emission rates for 2011 to actual results for the period January - June 2011.





**Generation Resource Mix -**  
A comparison between the sources of generation projected to be used to generate this product and the actual resources used during this period.

**Environmental Disclosure - Quarterly Comparisons**  
The Duke Energy Projected Data for the 2011 Calendar year vs. Actual Data for the Period January 1, 2011 - June 30, 2011



**Environmental Characteristics -**  
A description of the characteristics associated with each possible generation resource.

<b>Biomass Power</b>	<b>Air Emissions and Solid Waste</b>
Coal Power	Air Emissions and Solid Waste
<b>Hydro Power</b>	<b>Wildlife Impacts</b>
Natural Gas Power	Air Emissions and Solid Waste
<b>Nuclear Power</b>	<b>Radioactive Waste</b>
Oil Power	Air Emissions and Solid Waste
<b>Other Sources</b>	<b>Unknown Impacts</b>
Solar Power	No Significant Impacts
<b>Unspecified Purchase Resources</b>	<b>Unknown Impacts</b>
Wind Power	Wildlife Impacts

**Air Emissions -**  
Product specific projected and actual air emissions for this period compared to the regional average air emissions

Type	Projected	Actual	Regional Average
Carbon Dioxide			
Sulfur Dioxide			
Nitrogen Oxides			

**Radioactive Waste -**  
Product specific projected and actual radioactive waste for this period

Type	Quantity	Regional Average
High-Level Radioactive Waste	0	Lbs. / 1,000 kWh
Low-Level Radioactive Waste	0	

**Note:** The generation of this product used 8.1 percent of Unspecified Purchased Resources. The air emissions and radioactive waste associated with these unspecified resources are not included in these charts.

## Lower your monthly energy bills!



Free home weatherization is available to income-qualified customers.

If you are a Duke Energy customer and meet the required income qualifications, help to lower your energy bill is just a phone call away. Duke Energy has joined with People Working Cooperatively (PWC), a local nonprofit home repair agency, to provide free weatherization services to qualified homes. Lower your utility bills, decrease your energy usage, enjoy year-round comfort and improve the durability of your home without spending a cent.

### *Why Should I Participate?*

When your home and its appliances become weathered, they allow heat to escape. Poor insulation, gaps around doors and windows and unwrapped water heaters can contribute to higher energy bills.

### *How the Program Works*

To help lower-income households manage their energy bills, Duke Energy has set aside funds for free home weatherization improvements. Services are based upon each household's specific energy needs.

All qualifying participants receive a furnace tune-up, health and safety check, energy-efficient light bulbs, energy-saving tips and if needed, a hot water heater wrap, weather stripping and pipe insulation. Depending on the condition of your home and your energy usage, duct sealing, attic insulation and other sealing measures may also be provided.

#### How You Qualify

- You have a Duke Energy gas or electric heating account and you are responsible for payment of all utility bills.
- You live in a single-family home or an apartment building with eight units or less (applies to gas heating customers only).
- Your income level is at or below the following levels:

People	Electric Heat	Gas Heat
<b>1</b>	<b>\$21,780</b>	<b>\$16,335</b>
2	\$29,420	\$22,065
<b>3</b>	<b>\$37,060</b>	<b>\$27,795</b>
4	\$44,700	\$33,525
<b>5</b>	<b>\$52,340</b>	<b>\$39,255</b>
6	\$59,980	\$44,985
<b>7</b>	<b>\$67,620</b>	<b>\$50,715</b>
8	\$75,260	\$56,445

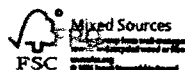
Contact Duke Energy if the number of people in your household exceeds eight.

#### How to Sign Up

If you qualify, call PWC at 513-351-7921 for information on how you can take advantage of this outstanding opportunity.



[www.duke-energy.com](http://www.duke-energy.com)



09/11E

## Medical Certification for Residential Customers

Medical Certification allows a customer who falls behind on bill payments due to family health problems to temporarily avoid disconnection of the gas and/or electric service. This certification is designed for those times when disconnection of service would be especially dangerous to the health of a permanent household resident.

Certification will prevent disconnection of service for 30 days or restore services if the certificate is provided within twenty one days of the disconnection of service. Each household may be eligible for three medical certifications in a 12-month period. Customers who use the Medical Certification will be required to enter into an extended payment plan.

If you think you may qualify for Medical Certification, please call our Credit Department at 800-648-7777

If qualified, you will be instructed to have your licensed medical practitioner call our Credit Department to request a medical extension. You may also request that the Medical Certification form be faxed to your licensed medical practitioner.

A Medical Certification form will be faxed to the medical practitioner. The form must be filled in completely and signed by the practitioner certifying that disconnection of gas and/or electric service would be dangerous to the health of a permanent household resident.

From the time of the request, the form must be returned within seven days. It should be faxed to our Credit Department at 513-419-1428.

*Postponing disconnection does not relieve a customer of the obligation to pay the amounts due for gas and/or electric service.*

### Customer Rights & Responsibilities

As a valued customer of Duke Energy, you are entitled to receive a listing of your rights and responsibilities, including such items as contact information, obtaining or discounting service, billing options, payment information, and the opportunity to choose another supplier.

If you would like to receive this information, call 513-421-9500 / 1-800-544-6900, or write to: Duke Energy, PO Box 960, Mail Drop 309C, Cincinnati, OH 45201

### Regarding Your Bill

Under Ohio Law, the amount you are billed each month for gas and electric service includes assessments to assist in the support of the operations of the Public Utilities Commission of Ohio and the Ohio Consumers' Counsel, which have been in effect since 1912 and 1877, respectively.

Your bill for gas service also includes an approximately 4.75% gross receipt tax which has been in effect since 1982

### Late Payment Charges

A bill is due 21 days after mailing. If your payment is not received by the due date of the bill, a late payment charge of 1.5% of the total past due balance on the account will be added.



## Gas Customer Choice Program

Explore your natural gas supply options as another way to take greater control of your energy costs.

Under Duke Energy's Gas Customer Choice Program, customers can choose to buy their natural gas from suppliers participating in the program. Our program and its participating suppliers have been approved by the Public Utilities Commission of Ohio (PUCO). Learn more by visiting [www.duke-energy.com/customerchoice](http://www.duke-energy.com/customerchoice).

Whether you buy your gas from Duke Energy or another natural gas supplier, Duke Energy will continue delivering all the gas you need and providing around-the-clock response to your service concerns or emergencies. There is no risk of not receiving natural gas if you participate in this program.

You may find prices and offers from participating gas suppliers that are not available through Duke Energy. We offer a monthly variable price, while suppliers may offer both fixed and variable prices.

The PUCO prepares an "apples to apples" chart to assist you in participating in our program. To get a free copy of the chart, call the PUCO at 800-299-7271 or visit [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov). For more information on comparing prices from natural gas suppliers, you may contact the Office of the Ohio Consumers' Counsel at 877-742-5622 or visit [www.pickocc.org](http://www.pickocc.org).



## Customer List

No action is required on your part to be designated as a customer eligible to participate in Duke Energy's Gas Customer Choice Program. We will include your name, address, and usage information on a list of eligible customers that is made available to the natural gas suppliers participating in Duke Energy's Gas Customer Choice Program. Being part of this list ensures that you will receive up-to-date information and timely offers from suppliers.

If you do not wish to be included on this list, please notify us by taking one of the following actions:

- call 513-421-9500 or 800-544-6900
- write Duke Energy, P.O. Box 960, Mail Drop 309C, Cincinnati, OH 45201
- complete the appropriate form at [www.duke-energy.com/customerchoice](http://www.duke-energy.com/customerchoice).

To be excluded from the next revision of the list, we must receive your notification on or before December 8, 2011.

*If you have requested to be excluded in the past, it is not necessary to contact us again. To be reinstated as an eligible customer, please contact us using one of the options above.*



10/118



10/11A



## Winter Heating Bill Assistance

### State of Ohio Utility Assistance Programs

#### HEAP

The Home Energy Assistance Program (HEAP) may provide financial assistance to customers who meet the income qualifications displayed in the table below. Applications will be accepted through May 31, 2012.

#### HWAP

The Home Weatherization Assistance Program (HWAP) may provide weatherization assistance year-round for customers who meet the income qualifications.

To obtain an application for either or both programs:

- visit your local Community Action Agency
- call Duke Energy at 800-544-6900 (TDD 800-686-1557)
- call the HEAP line directly at 800-282-0880
- call the HWAP line directly at 800-848-1300

#### WCP

The Winter Crisis Program (WCP) may provide financial assistance for heating bills to customers who:

- meet the income qualifications displayed in the table below
- are faced with disconnection of their primary heat source
- have already had their service disconnected for nonpayment.

Applications for WCP are taken at Community Action Agency offices from November 1, 2011 to March 31, 2012 or until funds have been depleted.

#### Winter Crisis Program Eligibility Requirements:

Households with a gross income at or below 200 percent of the federal poverty guidelines are eligible for the Winter Crisis Program. A household with a total income during the past three months that is equal to or less than the following maximums may be eligible:

Size of Family	Monthly	13-weeks	Yearly
1	\$1,815.00	\$5,445.00	\$21,780.00
2	\$2,451.66	\$7,355.00	\$29,420.00
3	\$3,088.32	\$9,265.00	\$37,060.00
4	\$3,725.00	\$11,175.00	\$44,700.00
5	\$4,361.66	\$13,085.00	\$52,340.00
6	\$4,998.34	\$14,995.00	\$59,980.00

Households with more than six members add \$637/mo., \$1,910 qtr., or \$7,640/yr. for each additional member.

#### HeatShare Energy Fund

HeatShare is a Duke Energy sponsored program administered by The Salvation Army. Eligibility for HeatShare assistance is determined, in part, by household income. The Salvation Army will take applications for HeatShare from January 17 through April 15, 2012 or until funds are depleted.

For additional information or to apply for assistance, please call The Salvation Army at 513-762-5636.

### Energy Bill Management Opportunities

**Home Weatherization** – Weatherizing your home can help lower heating costs by keeping cold drafts out while reducing the amount of warm air that escapes. The following programs are available for income-qualified customers:

#### *Duke Energy Program*

People Working Cooperatively manages the enrollment and qualification of Duke Energy customers for free home weatherization improvements. To apply, call 513.351.7921.

#### *Community Action Agency Programs*

To apply for funds, contact your local Community Action Agency.

**Extended Payment Arrangements** – Payment plans are available if you have difficulty paying your entire bill.

### Resource Referral Agencies

**County Departments of Job and Family Services** – Emergency funds are sometimes available for utility bills. For more information, refer to the telephone numbers listed below.

**United Way** – While the United Way does not have funds available to meet utility needs, they can refer you to other organizations that may provide assistance with your utility bill or other problems.

**Council on Aging** – If you're 60 or older and think you may have problems paying your heating bills this winter, the Council on Aging wants to help you find assistance. Call 513.721.1025.

**Assistance for Telephone Bills** – If you qualify for HEAP, you may also be eligible for telephone bill assistance. Contact your local phone company to learn more.

### Community Action Agencies

County	Telephone Number	County	Telephone Number
Adams	937-695-0316 800-233-7891	Hamilton	513-569-1850
Brown	937-378-6041 800-553-7393	Highland	937-393-3458
Butler	513-868-9300 888-432-7022	Warren County Community Services	Toll free 866-747-1042
Clermont	513-732-2277	Lebanon	513-695-2295
Clinton	937-382-5667 937-382-1234	Franklin	937-425-2295
		Middletown	513-261-2295

### United Way Information and Referral Service

If your county is not listed, you may call the Hamilton County number:

County	Telephone Number	County	Telephone Number
Brown	211 or 513-721-7900	Hamilton	211 or 513-721-7900
Butler	211 or 513-785-3095	Warren	
Middletown	211 or 513-261-2237	Lebanon	513-695-2237
Clermont	211 or 513-721-7900	Franklin	937-425-2237

### Department of Job and Family Services

County	Telephone Number	County	Telephone Number
Adams	937-544-2371	Clinton	937-382-0963
Brown	937-378-6104	Hamilton	513-946-1000
Butler		Highland	937-393-4278
Hamilton/Fairfield	513-887-4000 800-582-4267	Warren County Human Services	
Middletown	513-425-8625	Lebanon	513-695-1420
Clermont	513-732-7111	Franklin	937-425-1420
		Middletown	513-261-1420

### Contact:

513-651-5100 / 800-648-7777

7:00 a.m. to 7:00 p.m. Mon. - Fri.

8:00 a.m. to 1:00 p.m. Sat.



**Duke Energy Ohio  
Case No. 15-298-GE-CSS  
OCC First Set of Interrogatories  
Date Received: June 22, 2015**

**OCC-INT-01-012**

**REQUEST:**

When did Duke schedule the electric disconnection for the Orchard Street address (i.e., place the work order)?

**RESPONSE:**

Objection. This Interrogatory is overly broad, unduly burdensome, and vague given the lack of relevant time parameters pursuant to which it is to be answered. Without waiving said objection, to the extent discoverable, and limiting this request to the disconnection that occurred on November 4, 2011, Duke Energy Ohio states that on the evening of November 2, 2011 the DNP order request was systematically created.

**PERSON RESPONSIBLE:** As to objection: Legal  
As to response: Mitch Carmosino



## DISCONNECTION of SERVICE

### Ohio Winter Notice

We regret that it was necessary to disconnect your utility service(s) because of the nonpayment of your account.

#### RESTORING SERVICE

**If service has been disconnected for 10 business days or less**

You can reconnect service(s) that has been disconnected for nonpayment by making a payment or providing proof of payment of the following:

- The amount stated on the disconnection notice located on your bill, or
- The past due amount of your extended payment plan, and
- A reconnection fee (if applicable), and
- A security deposit (if applicable).

Service will be restored as soon as possible, but may take up to 24 hours after payment and/or arrangements are made.

**If service has been disconnected for more than 10 business days**

Due to the length of time you were disconnected you may be treated as a new customer. You can reconnect service(s) that has been disconnected for nonpayment by making a payment or providing proof of payment for all of the following:

- The total past due amount
- Reconnection fee (if applicable)
- Security deposit (if applicable)

Service will be restored as soon as possible, but may take up to five days for gas and three days for electric after payment and/or arrangements are made.

Duke Energy may assess a reconnection charge of \$17.00 for gas services, \$25.00 for electric services. If reconnection is required for both services the fee will be \$38.00.

#### PAYMENT OPTIONS

- Other payment plans may be available, contact Customer Services at 513-651-5100 or 800-648-7777. (Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 1:00 p.m.)
- To pay your bill by VISA, MasterCard, debit card or check please call 877-596-5068.
- You may also pay at a pay station. Please call Customer Service for a pay station near you, or visit our website at [www.duke-energy.com](http://www.duke-energy.com).
- You may access and pay your bill online at [www.duke-energy.com](http://www.duke-energy.com).

#### ENERGY ASSISTANCE

**United Way Referral Service**  
Call 211

**HeatShare**  
Administered by The Salvation Army  
513-762-5636

**Emergency Home Energy Assistance Program (EHEAP)**  
Contact local Community Action Agency

**Home Energy Assistance Program (HEAP)**  
Contact your local Community Action Agency or  
The Ohio Department of Development at 800-282-0880

#### WINTER RULE

During the period of October 17, 2011 through April 13, 2012, residential customers can avoid disconnection or have gas and/or electric service(s) restored, on a one time basis, by paying \$175.00 and enrolling in an extended payment plan. If your gas and/or electric service has been disconnected, a reconnection charge (if applicable) must be paid in addition to the \$175.00. A security deposit (if applicable) will be included on your next bill.

**Please note:** Funds from Energy Assistance Programs can be applied toward the \$175.00 Winter Rule payment.

If you have questions or need further information regarding this notice please contact Duke Energy's Customer Service department:

**Customer Service:** 513-651-5100  
or 800-648-7777 (toll free)  
7:00 a.m. to 7:00 p.m. Monday-Friday  
8:00 a.m. to 1:00 p.m. Saturday

If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called Duke Energy or for general utility company information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 800-686-7826 (toll free) or for TTY at 800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.pickocc.org](http://www.pickocc.org).

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/30/2015 4:10:55 PM**

**in**

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

Summary: Testimony Direct Testimony of James D. Williams filed on Behalf of the Office of the Ohio Consumers' Counsel electronically filed by Ms. Gina L Brigner on behalf of Etter, Terry L Mr.