



Respectfully submitted,

/s/ Larisa M. Vaysman

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Larisa M. Vaysman (0090290)

Senior Counsel

Counsel of Record

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

(513) 287-4320 (telephone)

(513) 287-7385 (fax)

rocco.dascenzo@duke-energy.com

elizabeth.watts@duke-energy.com

Jeanne.kingery@duke-energy.com

Larisa.vaysman@duke-energy.com

*Attorneys for Respondent Duke  
Energy Ohio, Inc.*

## MEMORANDUM OF LAW

### **I. INTRODUCTION**

The purported Complainant in this case, Katie Ramgren,<sup>1</sup> alleges that Duke Energy Ohio denied her electric service at 310 Maple Avenue, #46, in Trenton, Ohio, 45067 (the Service Address). The purported Complainant acknowledges that the Company denied service due to suspected fraudulent representations.<sup>2</sup> Indeed, Duke Energy Ohio has denied service to “Katie Ramgren” at the Service Address, based on (1) its belief that the true requester of services was another customer (Jane Doe)<sup>3</sup> a Duke Energy Ohio customer with an unpaid balance at another address; and (2) the failure of “Katie Ramgren” to adequately substantiate her identity and residence at the Service Address.

Since the filing of the Complaint, Jane Doe has obtained service at the Service Address in her own name. By doing so, she has (1) further corroborated the Company’s belief that the initial service requests for the Service Address were made by Jane Doe, not Katie Ramgren; and (2) eliminated any possible basis for this complaint.

The Complaint alleges, at best, that the Company engaged in a practice permitted by its tariff: denial of service “[i]n the event the . . . customer resorts to . . . any fraudulent representation or practice in the obtaining of electric.”<sup>4</sup> And, in any event, the Company has now granted service at the Service Address (to the true customer, Jane Doe), so the original complaint is moot. Therefore, the Complaint does not set forth reasonable grounds for complaint against Duke Energy Ohio and must be dismissed with prejudice.

---

<sup>1</sup> See Answer, pg. 1, footnote 1.

<sup>2</sup> Complaint, pg. 1, lines 3-4.

<sup>3</sup> Jane Doe is not the customer’s real name, but a name given for purposes of this motion.

<sup>4</sup> P.U.C.O. Electric No. 19, Sheet No. 20.2 (Oct. 25, 2019).

## II. FACTUAL AND PROCEDURAL BACKGROUND

In the Complaint, the purported Complainant alleges that service was denied to “Katie Ramgren” at the Service Address. The Company denied service at the Service Address to a person who purported to be Katie Ramgren and claimed to be living at the Service Address with a different Duke Energy Ohio customer (Mary Roe).<sup>5</sup> The Company investigated the service request due to suspected fraudulent representations, and suspicions that the real requestor was Jane Doe, the mother of Mary Roe, who the Company believes had previously attempted and failed to obtain service in Mary Roe’s name at the Service Address. The documentation provided by “Katie Ramgren” failed to substantiate her identity and her residence at the Service Address.

On or about August 21, 2019, Mary Roe—a Company customer in another Ohio city, not the city of the Service Address (Other City)—called Duke Energy Ohio and warned that her mother, Jane Doe, knew all of Ms. Roe’s personal identity information and was trying to turn off Ms. Roe’s service. Ms. Roe had the Company put a password on her account for additional security. Approximately one week later, someone purporting to be Mary Roe attempted to stop Ms. Roe’s service and move the service to the Service Address, but was unable to verify the password. Ms. Roe continues to be a Duke Energy Ohio customer, and continues to receive service in Other City to this day under the Percentage of Income Payment Plan (PIPP) program.

After someone failed to move Ms. Roe’s service to the Service Address, someone purporting to be Ms. Ramgren called Duke Energy Ohio to request service at the Service Address. The Company requested proof of identification, including a signed copy of the lease. The lease copies provided appeared altered and listed Mary Roe and Katie Ramgren as the residents at the Service Address. Overall, there were too many indicators of fraudulent representations to grant

---

<sup>5</sup> Mary Roe is not the customer’s real name, but a name given for purposes of this motion.

service to Katie Ramgren at the Service Address and the Company denied service pending satisfactory assurance that the request and substantiating documentation were legitimate.

In late September, someone purporting to be Ms. Ramgren submitted a complaint to the PUCO Consumer Call Center. The Company corresponded with the PUCO Consumer Call Center during October to explain its basis for denying service. Ms. Ramgren closed her complaint on October 18, 2019, and then the Complaint was reopened and closed once more. On November 6, 2019, someone purporting to be Ms. Ramgren filed the Complaint in the instant case. Among other things, the Complaint in this case explicitly states that Jane Doe “does not live on 310 Maple Ave #46.”<sup>6</sup>

On or about November 13, 2019, Jane Doe requested service in her own name at the Service Address, and on or about November 14, the Company connected service to the Service Address in Ms. Doe’s name. The primary phone number that Ms. Doe used to obtain service was the same phone number provided by Katie Ramgren for contact regarding the Complaint in this case.

### **III. LEGAL ARGUMENT**

O.R.C. 4905.26 requires a complainant to state reasonable grounds for a complaint before a case may go forward.<sup>7</sup> In the absence of a clear statement of the mandatory reasonable grounds, a complaint should be dismissed.<sup>8</sup> In this case, the purported Complainant’s allegations indicate only that the Company acted in accordance with its tariff and applicable regulations.

#### **A. The Company acted reasonably in denying the initial requests for service on two bases: fraudulent representations and prior indebtedness.**

---

<sup>6</sup> Complaint, pg. 1.

<sup>7</sup> See, e.g., *Ohio Utilities Co. v. Public Utilities Com.*, 58 Ohio St. 2d 153, 156-157 (1979).

<sup>8</sup> See, e.g., *In the Matter of the Complaint of Diana Williams v. Ohio Edison Co.*, Case No. 08-1230-EL-CSS, 2009 Ohio PUC LEXIS 918, \*11 (holding that a complaint must stand on its own and cannot proceed forward without a clear statement of reasonable grounds); *In the Matter of the Complaint of Richard Powell, d.b.a. Scioto Lumber Company, Complainant, v. The Cincinnati Gas & Electric Company*, 88-916-GE-CSS, 1988 Ohio PUC LEXIS 674, \*4 (dismissing complaint because, among other reasons, it does not involve a service rendered to the complainant or any regulation affecting the complainant)

Under the Company's tariff, the Company is entitled to refuse electric service on the basis of fraudulent representations:

**3. Company's Right to Refuse or to Disconnect Service**

The Company, in addition to all other legal remedies, *may . . . refuse . . . service to an applicant*, consumer or customer, for any of the following reasons:

....

(l) In the event the consumer or customer resorts to theft or *any fraudulent representation or practice in the obtaining of electric* supplied, or is the beneficiary of any such fraudulent representation or practice, . . . .

Service will not be restored *until the consumer or customer has given satisfactory assurance that such fraudulent . . . practice will be discontinued . . .*.<sup>9</sup>

In denying service due to suspected fraudulent representations, the Company need only "act[] reasonably. . . on the basis of the evidence that it had gathered."<sup>10</sup>

Additionally, the Company may deny service at a premises "if at the time of application for service applicant is indebted to Company for service previously supplied at the same or other premises for like services until payment of such indebtedness shall have been made."<sup>11</sup>

Under the circumstances described at length in the factual and procedural history above, Duke Energy Ohio acted reasonably in concluding that the request for service at the Service Address was from Jane Doe, even though the requestor purported to be Katie Ramgren. The many indicators of fraudulent representations included (but are not limited to):

- The prior attempts in August to obtain service at the Service Address in the name of Mary Roe, whom the Company knew was an active customer residing elsewhere, and who had specifically warned the Company that Jane Doe might try to meddle with her service;

---

<sup>9</sup> P.U.C.O. Electric No. 19, Sheet No. 20.2, pp. 1-2 (emphasis added); *see also* O.A.C. 4901:1-10-15(C).

<sup>10</sup> *In the Matter of the Complaint of Woodrow Garrick v. The Cleveland Elec. Illuminating Co.*, Case No. 95-931-EL-CSS, 1997 Ohio PUC LEXIS 16, \*16.

<sup>11</sup> P.U.C.O. Electric No. 19, Sheet No. 21.5, pg. 1.

- Apparent alterations and inconsistencies in the copies of the lease provided by “Katie Ramgren” to substantiate her request for service. Not only was Mary Roe—whom the Company knew to live elsewhere—the co-tenant listed on the lease, but the names were written in different order in different copies of the lease submitted to the Company; and
- Suspicious phone interactions between “Ms. Ramgren” and Company representatives that indicated that more than one person was acting as “Ms. Ramgren.”

The Company was reasonable to conclude that the circumstances described above, among other things, indicated the request was based at least in part on fraudulent representations. In the meantime, Jane Doe, whom the Company believed to be the real requestor, had an unpaid balance for electric service previously supplied. And the person who purported to be Katie Ramgren did not provide satisfactory substantiation of her identity and residence at the Service Address. Thus, Duke Energy Ohio acted reasonably in denying “Katie Ramgren’s” request for service.

**B. The Complaint is moot, now that service has been granted to Jane Doe at the Service Address.**

The sole substantive allegation in the Complaint is that the Company denied service at the Service Address. Since the Company has now granted service to Jane Doe at the Service Address, the Complaint is moot. By obtaining service at the Service Address, Ms. Doe has effectively (1) conceded that she resides at the Service Address, thus directly contradicting Ms. Ramgren’s complaint<sup>12</sup>; and (2) eliminated any possible basis for this complaint for denial of service to proceed.

**IV. CONCLUSION**

For all of the reasons set forth above, Duke Energy Ohio respectfully requests that the Commission grant its motion and dismiss the Complaint with prejudice.

---

<sup>12</sup> Complaint, pg. 1 (“[Jane Doe] does not live on 310 Maple Ave #46.”).

Respectfully submitted,

/s/ Larisa M. Vaysman

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Larisa M. Vaysman (0090290)

Senior Counsel

Counsel of Record

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

(513) 287-4320 (telephone)

(513) 287-7385 (fax)

rocco.dascenzo@duke-energy.com

elizabeth.watts@duke-energy.com

Jeanne.kingery@duke-energy.com

Larisa.vaysman@duke-energy.com

*Attorneys for Respondent Duke  
Energy Ohio, Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 27<sup>th</sup> day of November, 2019, by First Class U.S. Mail upon the following:

Katie Ramgren  
310 Maple Ave. #46  
Trenton, Ohio 45067

/s/ Larisa M. Vaysman